FROM PARTICIPATION TO PROTEST: THE LINK BETWEEN PROTEST AND PARTICIPATION.

THE CASE OF THE #FEESMUSTFALL PROTESTS AT THE UNIVERSITY OF THE WESTERN CAPE

by

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DECLARATION

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ABSTRACT

Protests in South Africa is not a new phenomenon nor is it a phenomenon which is unique to South Africa. As early as the 1700's for example, during the French Revolution, citizens protested against perceived injustices perpetuated by the governing elite against the poor and working class. There is almost no country or continent that can claim that they have not experienced some form of unrest, peaceful or violent, by citizens whom were no longer satisfied with the status quo, or the undelivered promises of the elected government.

In this regard, South Africa has seen its fair share of protests, violent and non-violent, prior to the first democratically elected government in April 1994. Prior to the 1994 elections it could be argued that protests were justified given the one-party rule and the disenfranchisement of the majority of its citizens South Africa's citizens including what could be considered an inferior educational system. Disconcertingly. Post 1994 South Africa has been plagued by the persistence of protests leading to much blood shed, loss of life and damage to property.

While the right to peaceful protest by various sectors of the South African population is enshrined in the South African Constitution(South Africa 1996), it is the violent and persistent nature of these protests leading to some commentators referring to South Africa as the " protest capital of the world" . Of equal concern is the increase in student protests at institutions of higher learning on various issues, often manifesting itself outside of the formal participatory mechanisms available to students, by students whom can be considered "the born frees"

This study explores participatory mechanisms available to students at institutions of higher learning in general, and student protests as an attempt to influence, formulate and transform public policy at institutions of higher learning. In particular the study is guided by a qualitative research paradigm using a structured interview tool to gather primary data using the University of the Western Cape as a case study against the backdrop of the #feesmustfall protests. It is further argued in this study that the #feesmustfall protests are not an end in itself, but rather a symptom of the broader inadequacies of the current participatory mechanisms available at institutions of higher learning in university governance structures in general, and the University of the Western Cape in particular.

The study further suggests the adaptation of some of the current theoretical models used to analyse and understand protests or student action at institutions of higher learning as well as recommendations to improve student-university management relations based on the findings of the empirical research. Furthermore, the study wishes to lay the ground work for further studies.

OPSOMMING

Betogings is nie ’n nuwe verskynsel in Suid-Afrika nie, en nog minder is dit ’n verskynsel wat uniek is aan Suid-Afrika. Reeds in die 1700’s, tydens die Franse Revolusie, het burgers byvoorbeeld betoog teen onreg deur die heersende elite teenoor die armes en werkersklas. Daar is bykans geen land of vasteland wat kan beweer dat hulle nie een of ander vorm van opstand, vreedsaam of gewelddadig, deur burgers ervaar het wat nie meer tevrede met die status quo is nie, of ontevrede is oor beloftes deur die verkose regering wat nie nagekom is nie.

In hierdie opsig het ’n aansienlike aantal betogings, sowel gewelddadig as niegewelddadig, in Suid-Afrika plaasgevind voor die eerste demokraties verkose regering in April 1994 aan die bewind gekom het. Dit kan aangevoer word dat betogings voor die 1994-verkiesing geregverdig was weens die eenparty-regering en die ontburgering van die meerderheid van Suid-Afrika se burgers, met inbegrip van wat as ’n ondergeskikte onderwysstelsel beskou kan word. Dit is egter ontstellend dat Suid-Afrika ná 1994 steeds onder voortdurende betogings gebuk gegaan het, wat tot baie bloedvergieting, lewensverlies en skade aan eiendom gelei het.

Alhoewel die reg tot vreedsame betoging deur verskillende sektore van die Suid-Afrikaanse bevolking in die Suid-Afrikaanse Grondwet vasgelê is, is dit die gewelddadige en voortdurende aard van hierdie betogings wat daartoe gelei het dat sommige kommentators na Suid-Afrika verwys as die ‘betogingshoofstad van die wêreld’. Ewe kommerwekkend is die toename in studentebetogings by hoëronderwysinstellings oor verskeie kwessies, wat dikwels buite die formele deelnemende meganismes tot studente se beskikking manifesteer, deur studente wat as die ‘vrygeborenes’ beskou kan word.

In hierdie studie is ondersoek ingestel na deelnemende meganismes beskikbaar aan studente by hoëronderwysinstellings in die algemeen, en studentebetogings as ’n poging om openbare beleid by hoëronderwysinstellings te beïnvloed, formuleer en transformeer. Die studie was spesifiek gerig deur ’n kwalitatiewe navorsingsparadigma, en ’n gestruktureerde onderhoudinstrument is gebruik om primêre data in te samel met die Universiteit van Wes-Kaapland as ’n gevallestudie teen die agtergrond van die #feesmustfall-betogings. Daar word verder in hierdie studie aangevoer dat die #feesmustfall-betogings nie ’n doel op sigself was

nie, maar eerder ’n simptoom van die breër ontoereikendheid van die heersende deelnemende meganismes beskikbaar by hoëronderwysinstellings in universiteitsbestuurstrukture in die algemeen, en die Universiteit van Wes-Kaapland in die besonder.

Op grond van die studie word voorstelle gemaak rakende die aanpassing van sommige van die huidige teoretiese modelle wat gebruik word om betogings of studente-optrede by hoëronderwysinstellings te ontleed en te verstaan, en aanbevelings word ook gemaak rakende die verbetering van student–universiteit-bestuursverhoudings op grond van die bevindinge van die empiriese navorsing. Die studie lê voorts ’n grondslag vir verdere studies in hierdie verband.

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LIST OF ACRONYMS

UFH	University of Fort Hare
SASO	South African Students' Organisation
UKZN	University of KwaZulu-Natal
UWC	University of the Western Cape
FMF	#FeesMustFall
NSFAS	National Student Financial Aid Scheme
SRC	Student Representative Council
DHET	Department of Higher Education and Training
Wits	University of the Witwatersrand
ANC	African National Congress
BC	Black Consciousness
ASA	African Students' Association
NUSAS	National Union of South African Students
AZASO	Azanian Students' Organisation
AZAPO	Azanian People's Organisation
SANSCO	South African National Students Congress
SASCO	South African Students Congress
UK	United Kingdom
UCT	University of Cape Town
COSAS	Congress of South African Students
UFS	University of the Free State
RMF	#RhodesMustFall
PYA	Progressive Student Alliance

MPPM	Mchunu Public Participation Model
CHE	Council for Higher Education
SAQA	South African Qualifications Authority
NQF	National Qualifications Framework
HESA	Higher Education South Africa
HEIs	Higher education institutions
NCHE	National Commission on Higher Education
SACSA	South African Colleges Students Association
SACTU	South African Technikon Students Union
SAUSRC	South African Universities SRCs

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CHAPTER ONE

INTRODUCTION AND STATEMENT OF THE RESEARCH PROBLEM

1.1 Introduction

The non-payment of university fees, rising university fees, the decline of government investment in higher education, protests relating to the affordability of university fees, and the call for free higher education are not new problems for higher education in South Africa and the international community. Indicative of this is a telegram from a former rector of the University of Fort Hare (UFH) to all students (Massey, 2010: 9), which reads as follows:

> TO ALL STUDENTS OWING FEES
>
> When disturbances began at the University of Fort Hare in August, 1973 all students were warned that failure to attend lectures would render them liable to immediate dismissal from the campus and cancellation of their registration for the year.
>
> No arrangements will be made to enable these students who have been sent down for the rest of the year to write their examinations.
>
> Remission of fees may be granted only in the case of a student who is prevented by illness. Or any other reason approved by Council from completing his studies. Council does not approve absence due to the unrest as a valid reason for remission of fees. Students who have been sent down or students whose registration has been cancelled for the year will be responsible for payment of the full outstanding balance for 1973.
>
> Applications for admission for 1974 by students who still owe fees for the previous year, will not be considered unless the outstanding amount has been paid in full by 30th November, 1973.

However, while university fees might have been viewed by the university management as a legitimate means to maintain control of the university, it nonetheless illustrates the imbalance of power relations within the student–university management participatory mechanisms of the era. According to Brown (2016: 76–79), the rectors and governing councils of black universities and colleges in the 1970s were not answerable to their respective academic communities and struggled to command the loyalties of either staff or students, as

a consequence of being appointed directly by the country's president, on the advice of government and the minister of Bantu Education. A typical example of this imbalance in power relations in favour of university management of participatory mechanisms of this era was the situation at Turfloop. Turfloop had recently, in 1970, been reorganised under the formal designation of a university, and was consequently administered by a rector, assisted by the governing Council consisting of 17 appointees – only whites (Brown, 2016: 76–79). According to Brown (2016: 76–79), a second body – the so-called Advisory Council – consisted of eight black appointees who were expected to be available to the rector whenever he decided that he ought to consult them. Of significance to this research project is that these eight Advisory Council members had no formal decision-making authority within the university structures, combined with the fact that the president and the minister of Bantu Education retained the power to appoint not only the rector, but also 15 of the 17 members of the governing Council, and all eight black members of the Advisory Council (Brown, 2016: 76–79).

According to Brown (2016: 76–79), while university management at white universities of this era sought to protect the political rights of students, the administrators at black universities assumed responsibility to supress the rights of students and the ensuing protests, through expulsion or suspension, often for indefinite periods, and forcing students to leave the university grounds, and/or possibly to abandon their studies entirely, or to face the police, whom the administrators were using to enforce their authority. Of relevance to this research project is the use of police force to enforce management decisions within the existing participatory mechanisms. Enforcement often included the detention and interrogation of local South African Students' Organisation (SASO) members, and at the University of Durban-Westville (now part of the University of KwaZulu-Natal [UKZN]) and the University of the Western Cape (UWC), the Springfield College of Education and the Transvaal College, protesting students had to submit letters of apology to university management in order to regain access to these universities (Brown, 2016: 76–79).

O'Connell (2010: IX-XI), in his foreword, aptly describes this era in the history of UWC as "In the Shadow of BOSS" (Bureau of State Security), which ushered in a period of vicious oppression against black students, and further prevented black students from attending white universities, except with special permits administered under the Extension of University

Education Act, Act 45 of 1959. The second phase of UWC's history, according to O'Connell (2010), could be considered as a period of transformation sparked by the 1976 student uprisings which saw UWC taking control of the struggle in the Western Cape. This phase, characterised by students leading marches and taking part in other forms of civil disobedience, with student leaders being acknowledged everywhere, was followed by the current phase, a phase of engagement, which has seen UWC, with the help of the state and donors, supported by student fees, fight its way back to solvency. The question which O'Connell (2010) rightfully asks is: "How does UWC now use the spirit of Soweto and its powerful struggle history to move our nation to ever greater access to the knowledge needed and skills needed to secure our welfare?"

According to Daniel, Habib and Southall (2003: 290–291), the policy of the South African government for higher education can be distinguished by two landmarks: the optimisation of massification in the mid-1990s and the reality of mergers almost 10 years later. While massification assumed greater student demand on the 36 public institutions of higher education, mergers represent (in part) a response to the rapid decline in qualifying students from the school sector (Daniel et al., 2003: 290–291).

In May 2002, Minister of Education Kader Asmal announced a restructuring of South Africa's higher education system, which involved streamlining a bloated university system created by the architects of Apartheid to promote separate development. Asmal's announcement also sought to introduce the redesign of universities to promote growth in student numbers, redress past inequalities, and establish institutions better able to meet job market demands (Massey, 2010: 1). Furthermore, the restructuring of higher education was driven by the twin goals of global competitiveness and national development, but was also faced with the challenges of a dramatic decline in student enrolments, which had a direct impact on the already vulnerable historically black institutions. Black institutions were struggling with financial deficits, high failure rates, managerial ineffectiveness and poor students unable to pay for higher education, combined with student revolts, staffing conflicts, unstable councils and senates and a general failure of the leadership of universities and technikons to manage this instability effectively (Daniel et al., 2003: 304). More recently, according to data published by the public funding observatory in at least 20 out of 24 European countries, funding for higher education has either been cut or has not kept pace with increases in student numbers

and, furthermore, much wasted energy and resources have been used to put proposals together that either have not been accepted, or do not work (O'Malley, 2016).

The question can therefore be asked: Where are we in 2016, and how far have we come with regard to higher education in South Africa? Given the level of unrest at institutions of higher learning about various issues, including fees, accommodation, curricula, language policy and outsourcing, it can be asked whether the state of South African higher education is retrogressing, or whether this is another stage in the evolution of South African higher education towards achieving the ideal state. This research project will explore but one aspect of higher education, namely that of governance at institutions of higher learning in South Africa and internationally, in general, and, in particular, how protest action is employed by students in order to participate in governance structures at institutions of higher learning.

1.2 Problem statement

Increasingly communities ignore formal participatory mechanisms to influence public policy and choose protest action as a mechanism to participate in public policy in South Africa. The year 2015 was fraught with protests, and students, in particular, have embraced the notion of protests as an alternate means to participate in policy and as a means to engage with government. According to the Minister of Higher Education Blade Nzimande stated that "Government will have to fork out R150 million in damages from last year's student protests" (Bindile 2016). The #FeesMustFall (FMF) campaign protests remain unresolved, with new issues coming to the fore, such as the 'missing middle', i.e. those students who fall outside the means test as set by National Student Financial Aid Scheme (NSFAS) as poor, but whose parents cannot afford to keep them at university. There is a need, most certainly financially and at least academically, to explore and perhaps gain a better understanding of what drives this phenomenon known as protest.

1.3 Research question

Why do South African citizens choose not to participate in formal public policy participatory mechanisms, but elect to participate in protest action or informal mechanisms to participate in public policy formulation and transformation, with specific reference to university student protests?

1.4 Research objectives

1) To determine which participatory mechanisms are currently available to students to participate in public policy making, particularly at universities.
2) To determine whether protesters in South Africa, and university students in particular, exhaust all legitimate means to influence/participate in public policy before embarking on protest action.
3) To determine what legislative framework currently exists which regulates protest action in South Africa, and student protests in particular.
4) To determine whether a theoretical and conceptual framework exists in South Africa to guide our understanding of protests and participation.
5) To give impetus to further investigation into the phenomenon known as protests.

1.5 Research design and methodology

1.5.1 Research design

The researcher followed an explorative research design, given the research question. According Babbie and Mouton (2001: 79–80), a large proportion of social research is conducted to explore a topic, and to provide a basic familiarity with that topic. Furthermore, exploratory studies are appropriate for more persistent phenomena and are typically used for the following reasons: (1) to satisfy the curiosity and desire for better understanding; (2) to test the feasibility of undertaking a more extensive study; (3) to develop methods to be employed in any subsequent study; (4) to explicate the central concepts and constructs of a study; (5) to determine priorities for future research; and (6) to develop new hypotheses about an existing phenomenon (Babbie & Mouton, 2001: 79–80).

1.5.2 Research methodology: Empirical research and secondary data

1.5.2.1 Primary or empirical research data

The researcher followed a qualitative research methodology using a structured interview questionnaire requesting a yes/no response based on each respondent's opinion and, in some instances, requiring a qualification for a particular opinion. The interview was structured to

avoid asking the same question in a different manner to various respondents and perhaps putting the question in a different context that might not elicit the most relevant answers and/or a different understanding of the same question (Babbie & Mouton, 2001: 289). According to Babbie and Mouton (2001: 271), qualitative research attempts to study human action from the perspective of the social actors themselves and can be distinguished from quantitative research in terms of the following key features:

- Research is conducted in the natural setting of social actors.
- The focus is on process rather than outcome.
- The actor's or insider view is emphasised.
- The primary aim is in-depth descriptions and understanding of actions and events.
- The main concern is to understand social action in terms of its specific context, rather than attempting to generalise to some theoretical population.
- The research process is often inductive in its approach, resulting in the generation of new hypotheses and theories.
- The qualitative researcher is seen as the 'main instrument' in the research process.

Given the complexities and highly emotive nature of the research problem, a qualitative research method will permit the researcher to study selected issues in depth and detail. Furthermore, approaching fieldwork without being constrained by predetermined categories contributes to the openness of qualitative enquiry (Patton, 1990: 13).

1.5.2.2 Secondary data sources

a) The internet and internet databases

Use was made of the internet as a source of information, including internet-based data. Given the relatively organic, sporadic nature of protests combined with the fact that the FMF movement is ongoing, the internet is an invaluable medium for secondary research. Conceptualising the internet as medium allows users to see it as a conduit for the transmission of information from one place and one person to another. The internet also knows no geographical boundaries and as such enables the instantaneous and inexpensive transmission of information between people and databases, and it therefore becomes an invaluable medium to follow and record events (Silverman, 2011: 114).

b) Books and journals

Books and journals, both electronic and hard copy, were used primarily to gain both historical and more contemporary data, which have already been through the rigours of peer review and which deal with the topic of this research and would aid in the literature review.

c) Sampling

According to Babbie and Mouton (2001: 287), a researcher may, before entering the field, set up certain criteria for the inclusion or exclusion of, for example, student respondents. Babbie and Mouton (2001: 287) also suggest that, as a general rule of thumb, a South African master's level study in the interpretive paradigm requires a sample of between five and 25 respondents, depending on the nature of the study and the number of times data-gathering techniques, such as interviews, will be repeated with each respondent.

d) Students

UWC has 15 226 students, of whom 11 836 are undergraduate and 3 390 are postgraduate students. Structured interviews were conducted with 25 students across all faculties, as seen in Annexure A. The structured interview was only conducted with students who were first-year students in 2015, or with those students in which 2015 was a subsequent year of study at UWC, as these students would have been exposed to the initial surfacing of the FMF campaign in October 2015. There were approximately 5 000 second-year students from which a sample was selected using simple random sampling techniques and based on their availability and willingness to grant interviews for the purpose of gaining students' perspectives on current participatory mechanisms, against the backdrop of the FMF campaign.

e) University management

Structured interviews were conducted with six management/staff members at UWC to gain management/staff perspectives on what existing participatory mechanisms exist and the degree to which these mechanisms are being used, as seen in Annexure A, against the backdrop of the FMF campaign.

f) Students' Representative Council

Structured interviews were conducted with six members of the SRC to gain the perspectives of this Council, as elected representatives of the students, on the degree to which current participatory mechanisms are used, against the backdrop of the FMF campaign.

Figure 1.1 below illustrates the interaction between the external policy environments which interact with governance processes within the university. These external policy considerations include, but are not limited to, the Constitution of South Africa (Republic of South Africa, 1996); the various regulations around the issue of protests (legal and illegal); the Gatherings Act; and various other legislation which serves to control and/or grant permission to protest, and impact on the functioning of participatory mechanisms. These external considerations are delineated in a later chapter. Internally the university statutes, the level of autonomy of the university and university–student relations, among others, all impact on how issues are dealt with internally within existing participatory mechanisms. Ideally, when student issues are identified, they are dealt with by the SRC, which in turn takes up the matter with the university management, council or senate. Student issues are discussed with management and debated and, on finding an amicable solution, feedback is given to students. However, this does not take place in a vacuum, as is illustrated in Figure 1.1 below.

1.5.3 Process map and identification of key concepts

Figure 1.1 below illustrates the interaction between the external policy environments of higher education institutions, the stakeholders generally involved and the internal environment of institutions of higher learning which includes autonomy, university statutes.

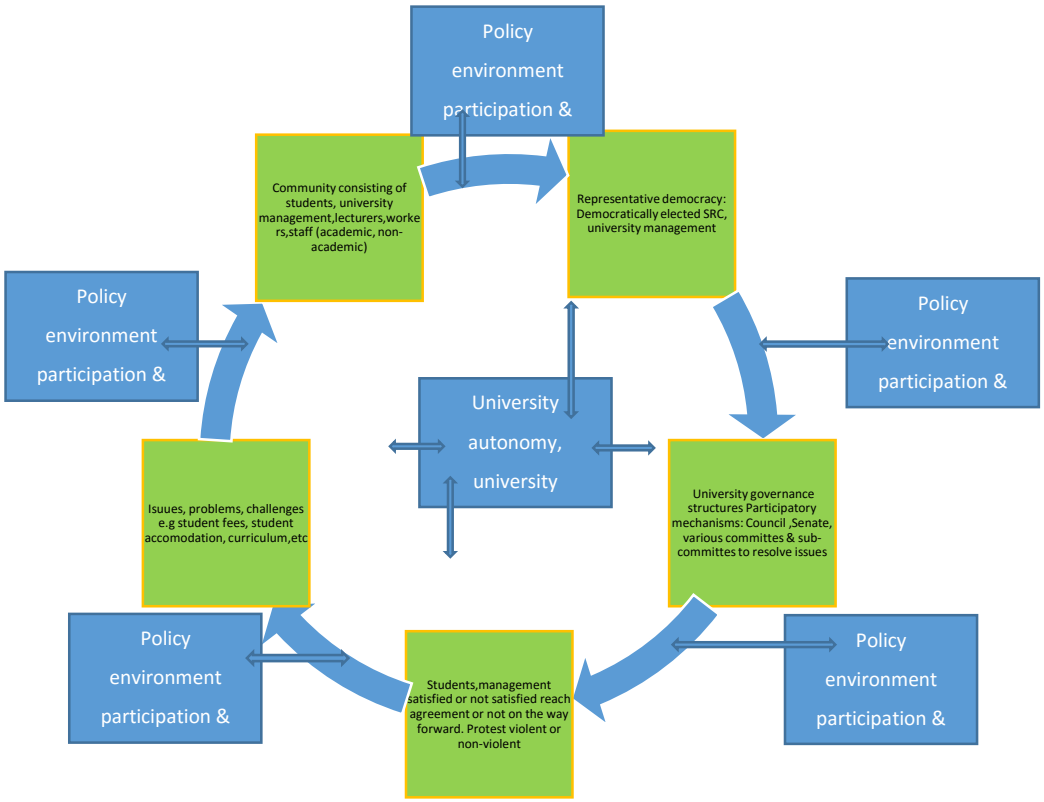

Figure 1.1: The higher education internal/external policy environment

1.5.4 Key terms and concepts identified and defined

1.5.4.1 Autonomy

Autonomy is defined by the *Oxford Advanced Learner's Dictionary* as "the freedom of an organisation or country to govern itself independently or the ability to act and make decisions without being controlled by anyone".

1.5.4.2 Community

While university students, in the context of local government, might not generally be considered as a community per se. Students are often more transient inhabitants, spending an average of three years within the university environment. University students nonetheless

share some characteristics with our conventional view of community in the context of local government.

The *Merriam-Webster Dictionary* defines community as having the following characteristics:

- A unified body of individuals
- People with common interests
- An interacting population of various kinds of individuals in a common location
- A group of people with common characteristics or interests
- A group linked by a common policy
- A body of persons or nations having a common history or common social, economic, and political interests

This definition will guide the study.

1.5.4.3 Local government

The universities in South Africa have some autonomy, but are reliant on financial support in the form of subsidies and policy support from government. Universities and institutions of higher learning reside under the auspices of the Department of Higher Education and Training (DHET). While universities might have academic freedom, they are nevertheless answerable to this Department. However, when university students, as a community, protest, they vent their anger at the management of the university. In this context, management can be seen as the level of government closest to the people in terms of contact, and management are responsible for the allocation of resources directly affecting communities. Furthermore, management can be expected to be seen as the entity most responsive to citizens and their needs (Taylor & Mattes, 1998). It is within this context that university management will be viewed in this study.

1.5.4.4 Representative democracy

According to Gildenhuys (1987: 3), representative democracy resulted from a response to the growing population and the impracticality of every citizen having a say as participatory democracy presupposed. The key to the idea of representative democracy lies essentially in the idea of the political accountability of the elected councillor, rather than the widespread participation of the citizens. It is within this context that the Students' Representative Council will be viewed.

1.5.4.5 Protest participation (violent and non-violent)

According to the *Merriam-Webster Dictionary* the definition of violence is "the use of physical force to harm someone or to damage property" Protest, as defined by the *Merriam-Webster Dictionary* is "something said or done that shows disagreement with or disapproval of something" or "an event at which people gather together to show strong disapproval about something". Participation is defined as "a state of being related to a larger whole".

Depending on the context, there have been people and groups that, for example in the United States until the second half of the 20th century, used political violence against the apartheid regime in the American South, which was a legacy of slavery and civil war (Bessel, 2015: 128–129). Tilly (2003, quoted in Bessel, 2015: 128–129) argues that collective political violence, which is of relevance to this research project, generally declines with democratisation and, where democratic regimes are in place, there is generally less political violence than in undemocratic regimes. Broadening political participation, extension and equalisation of political rights, legalisation of political rights, regularisation of making claims, and increasing readiness of third parties to intervene against violent resolution of disputes over claims all lessen the occurrence of violent contention, according to Tilly (2003, quoted in Bessel, 2015: 128–129).

Duncan (2014, quoted in Brown, 2015: 17) defines protests as a particular subset of public gatherings, stating that they are gatherings directed at the state which seek to influence or contest decisions made by the state. Participation in the context of governance, according to Brown (2015: 17), would mean participation in state-directed channels of consultation and debate, and therefore disruptive protest – in any form – is excluded from the state's interpretation of participation. Atkinson (2007, quoted in Brown, 2015: 17) argues that in the local government context where there is a sustained failure of public figures to respond to participatory forms of engagement, protests will occur.

A working definition for the purposes of this research project therefore is: Protests are violent or non-violent collective actions, of a political nature, occurring outside formal participatory mechanisms within local governance structures, as a means of enforcing claims or political rights.

1.6 Limitations of the study

The limitations of the study were, firstly, confined primarily to the sporadic nature of the protests themselves, which impacted on the availability of management and staff and hindered the researcher's ability to secure interviews. In one instance, at least, an interview could not be conducted owing to protests and the subsequent closure of UWC. Secondly, a decision had to be made by the researcher as to the timeline of the research in terms of which data would be included in the research project, given that the FMF campaign is ongoing. The timeline of the study was delineated as 15 September 2015, which is generally seen as the emergence date of the FMF campaign at UWC, until 15 October 2016. This project therefore does not include aspects of the FMF campaign that occurred after 15 October 2016 – which could be considered by a subsequent study. Thirdly, because of the relative non-homogeneity of traditionally white universities and traditionally black universities, the differences in student profiles, and varied manner in which the protests manifested themselves among universities – with some universities, such as the University of the Witwatersrand (Wits), experiencing far more persistent and violent protests than, for example, UWC – the researcher had to be wary of making any generalisations about the research findings at UWC and the university's participatory mechanisms.

1.7 Outline of chapters

Chapter ONE serves to introduce the research topic by providing a statement of the research problem, a research question, and the research design and methodology, coupled with the research objectives, and followed by some of the limitations of the study. This chapter also identifies and defines some of the key concepts discussed in the study.

Chapter TWO places protests, and particularly student protests in South Africa, within an international, historical and contemporary context, using examples from the European continent and the African continent to illustrate the pervasive and persistent nature of protests.

Chapter THREE discusses the international perspective of participatory mechanisms within university governance structures and the perspective of South African, and in particular UWC,

participatory mechanisms in governance structures. This chapter also proposes an adapted model of student participation in participatory mechanisms for consideration.

Chapter FOUR considers the legislative milieu within which universities operate in general, and more specifically those pieces of legislation which govern universities and regulate protests.

Chapter FIVE unpacks the research findings and considers the research through the lens of various themes and sub-themes.

Chapter SIX concludes the study with some conclusions and recommendations and highlights some possibilities for future research.

1.8 Chapter summary

This chapter seeks to set the stage for what can be expected in later chapters by providing the research topic, research problem, research objectives, and an explanation of how the research will be conducted. The chapter also provides an understanding of the key concepts and how these key concepts are used to try and understand the phenomenon known as protest, particularly in the context of higher education. It should be borne in mind that the FMF campaign is used as a reference point and is viewed as a backdrop for the broader issue of current participatory mechanisms at institutions of higher learning within university governance structures.

CHAPTER TWO

PROTEST: AN INTERNATIONAL HISTORICAL/CONTEMPORARY PERSPECTIVE AND A NATIONAL HISTORICAL/CONTEMPORARY PERSPECTIVE

2.1 Introduction

In the ensuing paragraphs the researcher briefly explores not necessarily the earliest recorded history of protest, but perhaps the most famous and well-known historical event which in modern times most closely resembles what is today known as the phenomenon of protest. This, firstly, brings into context the historical nature of protests and, to a certain extent, the unchanging themes which give rise to protests such as the French Revolution of 1789 and other revolutionary protests of that era. Secondly, the researcher looks at more contemporary international protests, specifically as they relate to student protests. Thirdly, the researcher explores the historical roots of protests in South Africa in the pre- and post-Apartheid period in general, and more specifically student protests and the role of SRCs. Finally, the researcher highlights some parallels between the French Revolution and the type of protests witnessed today in the international context, including protests of the pre- and post-Apartheid period, primarily in order to place protests in the broader context of protests being interpreted by protestors as a participatory mechanism in public policy making.

2.2 Protests: An international historical perspective

The French Revolution of 1789–1799 is probably among the most famous and relatively well-documented examples of the insurgency of a citizenry which had become dissatisfied with the conditions under which they lived where they struggled to survive in the face of the apparent opulence of the government which ruled the country. According to Hibbert (1982: 21–22), the population of France in the late 18th century was about 26 million, of which about 21 million lived by farming – many of them owning the land on which they lived. Hibbert (1982: 21–22), however, explains that, while over a quarter of the land in the country was owned by peasants, few possessed more than the 20 acres which were necessary to support a family and these 20 acres or so were farmed using antiquated, non-scientific methods. So, while some country people were able to maintain their independence in comfort and security,

most were forced to work for at least part of the year as poorly paid labourers on bigger farms, or to borrow livestock, wagons and implements from richer farmers who, in return, claimed a share – usually a large share – of the crop. Bessel (2016: 66–67) also argues that the benchmark for the occurrence of violence in revolution can be found in the French and Russian revolutions. According to Von Burgsdorff (2015), it was in particular the novel ideas and impulses of the French Revolution in 1789 which gave a profoundly new meaning to the notion of revolution. These impulses implied and were associated with a radical break with the past, achieved through the collective minds and will of human protagonists. Von Burgsdorff (2015) further argues that if we consider the famous revolutionary triad of 1789 – liberty, equality, fraternity – as the basic point of departure for the three most famous and powerful ideologies of the modern word – liberalism, socialism, nationalism – then every revolution since the French Revolution has carried forth these concepts. Furthermore, student protestors in Paris in 1968 looked to historical precedents when erecting their street barricades (Brown, 2016: 66–67).

Between February and April of 1789, lists of complaints were drawn up by the peasantry (commoners), among which were the following:

- They demanded a reform of the laws and the courts, so that justice would be handed down equally to everybody at the least possible cost;
- They complained that they paid taxes which were unfair, while the middle classes, upper classes and church did not have to pay. The commoners felt that they were forced to pay exorbitant amounts of taxes, which were being squandered by those who were already rich.

Of significance to this study is that these complaints were not new complaints, but that nothing had been done to address these longstanding issues (Heatherton, 1992: 19–21)

Why then more than 200 years later, in the 21st century should we ponder the events leading up to the French Revolution?

According to Grab (1989: 7–9), the French Revolution, which took place at the end of the 18th century, is not a closed chapter of history, but rather should be viewed as the initiation of a process of modern democracy which is still unfolding. Grab (1989: 7–9) argues that the ideals of the French Revolution are just as relevant today as they were 200 years ago. Concepts such

as economic and religious freedom and the right of free speech; political equality; the knowledge that one's life and property are secure; the separation of powers; constitutional guarantees to protect the rights of political and religious minorities; the legal right to resist state tyranny; and the right to a government which must submit itself to the democratic process are still concepts which impassion the underprivileged and the humiliated today.

2.3 Student protests: A more contemporary international perspective

From a more contemporary international perspective, protests, and in particular student protests, have taken place from the European continent to the Asian continent; from East Africa to West Africa; from South Africa to North Africa. In Finland, while the Finnish Constitution continues to support free tuition at universities for domestic students and some other students under limited conditions, the new Universities Act, which was introduced in 2010, was viewed by students as the "thin edge of the wedge" and prompted opposition from students who then conducted a protest march (Dobson, 2010). The rationale behind the impassioned protests by these students was that there is a worldwide trend in universities to impose higher tuition fees and that they sought a guarantee from political parties that they would not push for higher fees during the then parliamentary session (Dobson 2010).

On the African continent, students from the University of N'djamena in Chad went on a strike on 14 September 2011, protesting the non-payment of grants, while simultaneously, in the Democratic Republic of Congo, angry students protested against the increase of fees and demanded the resignation of their university's management committee (*University World News*, 2011). However, according to *University World News* (2011), a significant aspect of this particular protest was that the arrests which followed as a consequence of these protests were not of students, but of individuals who mixed with them and committed acts of vandalism. Furthermore, the government deplored the fact that a small minority were preventing the great majority from following their studies.

According to Kim (2011), students had already begun campaigning in 2007 for the halving of tuition fees, and their protest was directly targeted at President Lee Myung Bak and other members of the ruling Grand National Party. In 2011, South Korean universities in Seoul and a number of other universities were destabilised by the resurgence of the call from students to "halve tuition fees". However, the protests, which had previously been confined to the

university campuses, had now spilled over into the streets, and these more recent protests had included civil society and opposition parties with 510 civic groups forming a coalition to support the students in a clear escalation of the campaign (Kim, 2011).

Student protests in Sri Lanka in January 2012 saw the Sri Lankan minister of Higher Education, after weeks of escalating opposition, temporarily withdraw a proposed private university bill (De Alwis, 2012). According to De Alwis (2012), the main opposition came from students who claimed that the bill's provisions had never been made fully public, although a draft was approved by the cabinet the previous year. However, one year later, the bill had still not been tabled in parliament. Nonetheless, as a result of the student protests, two universities had to be closed, with other universities joining the protest. What is significant about these protests is the fact that students were joined in the protests by lecturers who were members of the Federation of University Teachers' Association (FUTA) (De Alwis, 2012).

In the Ukraine, while the European government sought to deceive the citizens about its intentions regarding European integration, students, quite unexpectedly, in January 2014, became the strongest drivers of what is known as 'Euromaidan', which loosely means square or a place where problems are discussed and solutions are sought to issues of significance for every member of the community (Kvit, 2014). Of relevance to this study is the fact that while the protesting students were not in the majority, they nonetheless seemed most motivated and convincing, and the young people in this particular instance expressed their desire to live in a different European Ukraine. They protested against corruption, the ineffectiveness of the state system in general, and the education system in particular (Kvit, 2014). However, according to Kvit (2014), the Ukrainian government, as a result of these protests, made an about turn and aspired to even closer relations with Russia.

While an article by O'Malley (2014) sought to highlight the violent nature of government's effort to quell student protest, it also highlighted the persuasive nature of student dissent and how students braved the wrath of security forces when expressing their dissent. For example, in Ethiopia in June 2012, security forces reportedly stormed dormitories and arrested engineering students at Haramaya University in Oromia to break up a demonstration. In Sudan, when students protested against higher education, 15 students were killed during the period 2009–2012 and 479 students were injured, mainly in protests which had started on campus. Furthermore, in December 2012, students at the Omdurman

Islamic University in Khartoum protested over tuition fees, and around 140 students were arrested and 180 students were injured (O'Malley, 2014). What is significant to this study is the violent reaction from authorities and the sustained resistance from students, even in the face of the distinct possibility of losing their lives or at least the possibility of serious injury to themselves.

According to Jenvey (2016), regardless of geographical distances, political agendas and student bodies, countries in Africa faced similar challenges in respect of massification, quality, funding, leadership, and internationalisation of higher education. Furthermore, politics has the ability to play out in higher education, in varying degrees, and in certain instances the autonomy, leadership and management of universities was under threat of interference from government, to the extent that government, for example, wanted to approve master's and doctoral programmes despite institutions being legally entitled to develop these programmes without external approval from government (Jenvey, 2016).

2.4 Protests: A South African historical perspective pre-1994

According to Beinhart and Dawson (2010: 18–19), violence both on the political and personal level has stalked South African history for over two centuries, but was generally constrained by the 1910 Union of South Africa government and succeeding administrations for over 70 years, until the 1980s. More often than not, violence was used by the state to control and supress popular protests, which often had the potential for violence. Of significance is that, because movements such as the African National Congress (ANC) were forced underground during this period, impetus was given to new ideologies and the formation of student groups, radical Christianity, Black Consciousness and independent unions between 1968 and 1973 (Beinhart & Dawson, 2010: 18–19). Universities were not immune to the dissatisfaction of communities. In particular, UFH students in 1959 decided as a group to affiliate to the ANC in order to strengthen resistance to the Extension of University Education Act, which sought to reserve UFH for amaXhosa as an ethnic group – which indirectly subverted its history as an institution open to black students from across the continent (Heffernan & Nieftagodien, 2016: 5–6). When students at UFH lost the battle to keep their university free from government interference, which saw the appointment of rectors by government, their efforts shifted towards expressing their dissatisfaction with the apartheid-run institution in a more overt

way – by vandalising the car of a visiting academic, Professor Pauw (Massey, 2010: 159). Furthermore, the newly appointed registrar, Du Preez, was pelted with eggs and tomatoes. During this period, a shift in student protests was witnessed from the 'bread and butter' issues of food, fees and corporal punishment, to a more direct challenge to the apartheid system. This challenge broadly coalesced around the nationwide strike against the establishment of the Republic of South Africa on 31 May 1961 (Heffernan & Nieftagodien, 2016: 5–6).

The democratic and economic strength of black people had been growing in the 1970s, but Lodge, Nasson, Mufson, Shubane and Sithole (1991: 3) point out that a new era for black politics in South Africa was heralded in during the 1980s. The decade began with black school children refusing to accept the educational system, and continued with the most sustained and determined black rebellion against white minority rule in South Africa's history. A new determination emerged among black people, combined with new tactics, such as student, consumer and voter boycotts, mass demonstrations, and national stay-aways from the workplace, while community-based action was embarked upon simultaneously, rendering apartheid unworkable. This forced the government to seek new political solutions, despite several states of emergency, arrests of tens of thousands of black people, and thousands of deaths. Black political organisations remained resolute and emerged stronger than they had ever been. This sustained pressure from the black majority forced the Apartheid government to concede, which culminated in the unbanning of the exiled black political parties, the release of their leaders, and the beginning of negotiations with the South African government for major political transformation. This ushered in a time when ethnic politics, namely "Black politics", "White politics", "Indian politics" and "Coloured politics" simply became "South African politics" (Lodge et al., 1991: 3).

2.4.1 Student protests and the era of formalisation: Pre-1994

The student strikes which played themselves out during May 1961 had a marked impact on the character of emerging student organisations of this era. Students increasingly identified with the daily struggle of the oppressed majority, which gave impetus to university students accepting their school counterparts as equals in the struggle against the Apartheid regime. This informed the principles of the first student organisation, which was formed in 1961, the

African Students' Association (ASA) in Durban on 16 December (Heffernan & Nieftagodien, 2016: 5–6).

It is accepted that the development of politics, and in particular student politics, in South Africa can generally be viewed through the lens of two not necessarily opposing views, but through two ideological standpoints, namely the Black Consciousness (BC) movement and the Congress movement. The first black political higher education student organisation in South Africa was formed in 1968/69, namely SASO, which was a major milestone for black students and a move towards a more organised, independent political force for national liberation in South Africa. This step turned South African universities and colleges into sites of struggle (Heffernan & Nieftagodien, 2016: 5–6). Brown (2016: 47) concurs with this view and argues that the formation of SASO was not intended to be just a student organisation designed to voice the academic concerns of black students, but the organisation from its inception was geared towards and committed to challenging the foundations of the Apartheid racial structures.

It should be borne in mind that SASO was an alternative to the National Union of South African Students (NUSAS), which was dominated by white students. SASO was therefore the black alternative for student movements, particularly at the higher education level. SASO encouraged students to participate in community programmes (South African Students Congress, n.d.). Of significance to this research project is the link between student organisations, such as SASO, and the broader community. This link reinforces the notion of universities being a microcosm of society. However, because of the apartheid government's need to maintain control over the education system, and higher education institutions (HEIs) in particular, SASO was banned in 1977.

It was during this period that an ideological shift was seen within student movements. The shift was from the philosophy of the BC movement to a more Congress-aligned student movement, undertaken by student leaders within the ranks of the BC movement, which had attached itself to the Freedom Charter, and the Azanian Students' Organisation (AZASO), which had strong links with the Azanian People's Organisation (AZAPO), which had been launched in 1981, primarily to fill the void left by SASO. Given the ideological shift within the student movement from BC to movements which reflected and could be perceived to be more closely aligned with the Congress movement, AZAPO sought to shed its BC roots. It altered its

name to the South African National Students Congress (SANSCO), to reflect a more inclusive ideology, while still maintaining ties with the broader community and their struggles on the ground. SANSCO simultaneously forged a relationship with NUSAS against De Klerk's Education Bill, which at the time intended to reduce subsidies to politically active universities. In September 1990, SANSCO and NUSAS combined to form the South African Students Congress (SASCO), which represents black and white students from 129 different universities across South Africa (South African Students Congress, n.d.).

Certain parallels can be drawn between the French Revolution of 1789–1799 and the 1968 Paris student uprisings, the more contemporary international perspective, and South Africa's political history prior to 1994.

Dissatisfaction was evident on the part of the majority in respect of the perceived and very often lived inequality between the minority and the majority, with the minority perceived to be leading lavish lifestyles, at the expense of the majority. Some parallels are listed below:

- The government perceived as the perpetuators of this inequality
- The persistent nature of the resistance
- The continuation of the resistance regardless of the cost to human lives
- The length of time it took for governments to concede defeat
- The collective nature of the resistance movements
- The violent nature of the resistance movements
- The underlying ideological thread

The stage had been set. Black people learnt that demonstrations, and often acting outside the law, was the only language to which government responded. It should be borne in mind that during the first period of black protest, from 1912 through the 1940s, black people relied mainly on tactics which fell within the law. Black people, during this period, were convinced that white people would respond to persuasion. Black leaders used petitions, deputations, and resolutions to lobby for their rights (Lodge et al., 1991: 3).

2.4.2 A history of student movements and the role of SRCs: 1960–1990

2.4.2.1 The period 1960–1970

According to Cele and Koen (2003), historical records on South African students show that protests during the 1960s by white and black students largely targeted unsatisfactory living conditions in residences. Other issues that were targeted included food insecurity, poor quality of food, and the general inadequacy of institutional resources (Cele & Koen, 2003). During this period, say Cele and Koen (2003), students at historically white universities were further preoccupied with gaining formal recognition for SRCs. This took place against the backdrop of contesting ideologically the type of issues student leaders should take up with management and addressing universal concerns as a result of the exposure to higher education (Cele & Koen, 2003). Cele and Koen (2003) further state that students opposed the formation of SRCs because they were viewed as government stooges at some of these institutions. According to Cele and Koen (2003), SRC members were appointed from among the senior students by university management and were expected to represent students at social functions. Several SRCs operated in a context where behaviour was strictly controlled and political activity was considered to be prohibited (Cele & Koen, 2003). The first recorded example of a student protest at UWC in 1963, for example, involved male students refusing to wear ties to a social function (Cele & Koen, 2003). Furthermore, Cele and Koen (2003) argue that, broadly, student leaders at this time were viewed as giving legitimacy to the government institutions by refraining from involvement in political activity because they feared expulsion. However, Cele and Koen (2003) point out that during the 1970s several illegally established SRCs at black universities strongly opposed government, but were also described as toothless. This period heralded in a student insurrection at historically black universities, primarily targeting the state and university management (Cele & Koen, 2003). According to Cele and Koen (2003), SASO's rejection of apartheid within universities overlapped with increased student rejection of the limited powers of SRCs. This was notwithstanding the increasing signs of white political dominance and economic privilege in society and their corollary of black subordination (Cele & Koen, 2003). It is further argued by Cele and Koen (2003) that this student rejection of the limited powers of SRCs in the 1970s was linked to more representative governing structures, a greater role for black staff, and academic freedom. Maselo (1994, in Cele & Koen, 2003) explains that the call to mobilise at several institutions,

including the Universities of the North, Western Cape, Fort Hare, and Durban Westville, contributed to students electing representatives outside the legal framework and effectively establishing ad hoc bodies. Therefore, while at one level, a no-SRC stance was widely articulated, several ad-hoc bodies took the opportunity to articulate institutional grievances, and linked university disturbances to community participation and broader societal rejection of Apartheid.

2.4.2.2 The period 1980s–1990s

According to Cele and Koen (2003), as the political situation worsened, students drew up an Education Charter, which drew on the Freedom Charter and tried to provide a different perspective on a South African higher education system moving forward. The non-violence of the 1983 Education Charter campaign marked a crucial phase in the South African political turmoil of the 1980s, as its focus remained on making the government of the day and the society aware of the bigger challenges in education and society which involved a signature petition campaign (Cele & Koen, 2003). It was during the 1980s that universities became seed beds of protests, and anti-government protests became common (Cele & Koen, 2003). Furthermore, linked to national events, the scale of the protests increased, as students overwhelmingly participated in protest action, with some joining underground military wings of banned organisations and becoming involved in bombings, shootouts with police, and 'guerrilla warfare' (Cele & Koen, 2003). Some events, according to Cele and Koen (2003), pitted students against one another, for example, at UWC, 'disruption squads' famously operated at the command of political organisations to coerce mass support for protests and gain support for classroom boycotts. However, running parallel to this, say Cele and Koen (2003), the social composition of students changed dramatically, with more working class students enrolling at historically black universities from the 1980s onwards, which had the effect that most universities doubled their student totals. This was a reflection of the demand for higher education in the black population.

2.4.2.3 The period 1990s and beyond

According to Cele and Koen (2003), NUSAS and SASCO merged in 1992, to establish the South African Student Congress (SASCO). This merger had a number of effects. While the merger cemented linkages between organisations that subscribed to non-racialism and non-sexism, and brought together black and white students who supported the ANC's broad policies,

SASCO today mainly draws its membership from black African students (Cele & Koen, 2003). The effect of this change, say Cele and Koen (2003), has led to an increasing search among white students for an alternative to SASCO through which they can express their interests. Cele and Koen (2003) argue that this has led to the emergence of student coalitions which are independent from political parties, and which address general student issues around SRC election time. Furthermore, Cele and Koen (2003) state that much of the rationale behind this phenomenon has been ascribed to the unease with SASCO's dominance of SRCs, their subordination of student interests to ANC policies, and unhappiness with the organisational activities at several institutions. During the 1980s, SRCs especially at historically black universities were viewed as creations of political formations and subordinate to political student organisations. SRCs were then increasingly being seen as administrative bodies that take up and defend student interests (Cele & Koen, 2003).

Of particular significance to this study is Cele and Koen's (2003) observation that student debt and issues such as financial aid and academic exclusion largely faced black students, and while national political protests at universities had declined, African students still faced problems that required national solutions, and consequently, if this issue were left unresolved, it would in the long term lead to renewed mass protests. Such protests have been evidenced during the current FMF campaign. Koen, Cele and Libhaber (2006) rightfully asked two questions: What is the main focus of persistent student protest at public HEIs in South Africa? And what has been the impact of student participation in governance, in protests, as well as does academic and financial exclusions-reflect the consequences of democratizing?

2.5 Protests, a South African perspective: post-1994

> There is a story that everybody knows about South Africa. The story of how the violent struggle against apartheid gave way to concessions, discussions, and negotiations at the end of the twentieth century, and how the leadership of Nelson Mandela and others brought about the 'miracle' of a peaceful post-colonial transition. It is a story of how civil war was averted, and how a social consensus was built around a political project – the making of a 'New South Africa'. It is more than twenty years since the 1994 elections. Given the number of strikes, demonstrations (violent and non-violent) is South Africa once again standing at the precipice? At war with itself (Brown, 2015: 1–2).

According to Bundy (2014: 100–102), protests became a distinctive feature of political life during President Thabo Mbeki's second term of office, with an escalation after his removal from office. A startled government learned in that in the year from March 2004 to the end of February 2005, there had been 881 illegal protests, and over 1 500 legal ones (that is, where official permission had been sought and granted) (Bundy 2014: 100-102).

Official police crowd management statistics, in the three years 2009/10, 2010/11 and 2011/12, saw just over 32 500 episodes of protests, of which 3 072 were characterised as 'unrest' (Bundy, 2014: 100–102). By any comparison, Bundy (2014: 100–102) declares, this is an extraordinary display of grassroots disaffection – with protests not only taking place in most of the major cities, but also in smaller towns and semi-urban areas. Alexander (in Bundy, 2014: 100) characterises this phenomenon as a massive movement of militant local political protests "which in some cases reached insurrectionary proportions so that it is reasonable to describe the phenomenon as a rebellion of the poor". Bundy (2014: 100–102) makes the following broad generalisations about the protests of this era:

- Most of the protests involved residents of informal settlements, while others emanated from the poorer sections of formal townships. They varied in scale, duration and intensity, but drew upon a familiar repertoire of protests, mass meetings, memoranda and marches, stay-aways and boycotts, blocked streets behind barricades of burning tyres, and attacks on buildings and on unpopular office-holders.
- Calling them 'service delivery' protests conceals more than it reveals. While protesters often drew attention to failed municipal services – around housing, water and sanitation – their anger was broader than this. They also targeted instances of corruption and local favouritism, attacked specific councillors or officers, protested against prices and fees, and expressed hostility towards police or resentment of foreigners.

A striking feature of this wave of movements, Bundy (2014: 100–102) states, is their localism. The protests are almost always geographically and politically separate from each other; they have no common political programme or ideological platform. Bundy (2014: 100–102) describes these movements as 'movements beyond movements' as they largely took place outside the scope of the so-called new social movements.

Duncan (2013, in Brown, 2015: 16–17) defines protests as part of a particular subset of public gatherings which are directed towards state institutions or other power-holders, and which seek to influence or contest decisions made by them. This notion that dissent by the masses is levelled at the holders of power is echoed by Booysen (2015: 261–263), who states that for a long time the ANC had prided itself on having direct bonds with the people of South Africa and on listening to their voices. While this connection continues, Booysen (2015: 261–263) points out, it is strained by the multitude of community protests.

After the 1994 elections, South Africa experienced relative political calm in the stormy seas of politics and policy making. During the Mandela administration, the political waters were relatively placid. However, it is particularly during the Mbeki and Zuma administrations (2010 and beyond) that a wave of political unrest has been experienced and a general dissatisfaction (often violent) has been displayed by the South African citizenry with the performance of government, both regarding the implementation of policy and the formulation of new policies. Indicative of this increased rate of violent protests are the comments, according to Brown (2015: 13–16), by some scholars who refer to South Africa as the "Protest capital of the world", which has been reflected in the statistics on public order released by policing branches. The statistics indicate that in 2012 there were 12 399 public incidents, which equate to an average of 34 incidents per day, of which 15% of cases, namely 1 882, were said to be violent.

Studies conducted in Khayamandi (Gwala, 2011) and Khayelitsha (Mchunu, 2012) in the Western Cape highlighted the crucial nature of the participation of all stakeholders in the policy-making process. The research demonstrated that there is general agreement that, where there is inadequate participation by citizens in existing participatory mechanisms for policy making, this situation could lead to protest action as a mechanism to participate in public policy making.

While there are, theoretically at least, formal mechanisms through which citizens can voice their dissatisfaction about policies, participate in policy formulation, and possibly change policy, it would seem, given the array of protests – violent and non-violent, that these formal mechanisms of public participation in policy-making are not viewed as legitimate and do not appear to be working. This is made evident by the number of protests that have arisen across the country.

The participation of citizens in policy making through informal mechanisms such as protest action is perhaps a more persuasive phenomenon, though not necessarily sanctioned by government and though very often life-threatening to both citizens and law-enforcement agents. It is this alternative means of citizen participation in public policy and the motivations underlying the choice to participate in this manner that are of interest to the researcher. As argued by Miraftab (2004, in Brown, 2015: 63), political citizenship is formed in two different but mutually constituted types of space: 'invited' and 'invented' spaces of citizenship. The first of these spaces, namely the 'invited' space, is 'created from above', by local and international donors, and government intervention, and where political action is legitimised by these external structures of power. The second 'invented 'space is that which has been 'carved out from below', and demanded and seized by collective action.

During the Zuma administration, a continuous escalation of protests – violent and non-violent – have been witnessed. Added to this, Zuma himself has become a virtual Zulu monarch, with multiple wives, a palatial establishment at Nkandla, and many cattle. In effect, South Africa is now ruled by a semi-literate but cunning Zulu chief, who believes that the conquest of executive power nullifies all other notions of legal responsibility. This was revealed in the arguments put forward by Zuma that charges against him should be dropped because "corruption is a victimless crime, and is only a crime in the Western paradigm" (Johnson: 2015:36). That incessant popular protests, associated with issues from poor water supply to corruption, have been witnessed in townships and informal settlements across the country is perhaps in no small measure due to problems in government (Johnson, 2015: 36).

Case studies conducted by Botes, Lenka, Marais, Matebesi and Sigenu (2005) in the Free State, Maloti-a-Phofung Municipality and Phumelela Municipality concerning protesters revealed the following:

- Early warning signals such as the memorandum of grievances handed to the mayor during 2004; complaints and special meetings leading up to disturbances could have been interpreted as harbingers of impending trouble; smaller protest action should have been taken far more seriously.
- The lack of mediation. During the study some of the councillors indicated that they might have benefited from a professional mediator's advice. This was confirmed by one of the protesters who succinctly identified the lack of an appropriate mediation

strategy as a factor. The study also revealed the need for improved relationships between the municipality and the community which included:

1) Accelerated services delivery
2) Friendly frontline staff
3) Accountable politicians
4) Improved communication structures and procedures, including improved consultation and interaction with the community

Other factors to prevent future protests, as proposed by the respondents, and which are relevant to this study, such as: develop effective ward committees; identify community concerns at an early stage; continuously communicate with the community about project goals and progress made with municipal issues; invest in employee training; establish an open-door policy; treat all areas equally.

From the afore-mentioned study, it is evident that protests, as much as they are undesirable to both government and citizens, are a phenomenon which persists and leads to much bloodshed and damage to property, and in many cases protagonists ultimately have to return to the negotiation table. Whether there is an end in sight to this current impasse is not clear. That protests will be a feature of the political landscape in South Africa for the foreseeable future is quite certain. Increasingly, communities ignore formal participatory mechanisms to influence public policy and choose protest action as a mechanism to participate in public policy in South Africa as is evidenced in the studies by Bundy (2014); Brown (2016); Gwala (2011) and Mchunu (2012).

If we assume that institutions of higher learning are a microcosm of the broader communities from which students come, then an attempt should be made to understand the recent protests at institutions of higher learning and also to consider whether existing participatory mechanisms are adequate and contextually relevant.

The year 2015 was fraught with protests, and students, in particular, have embraced the notion of protests as an alternative means of participating in policy making and as a means of engaging with government. According to Bindile (2016) Minister of Higher Education Blade Nzimande stated, “Government will have to fork out R150 million in damages from last year’s student protests.” The FMF protests remain unresolved, with new issues coming to the fore

such as the 'missing middle', i.e. those students who fall outside the means test as set by NSFAS as poor, but whose parents cannot afford to keep them at university. More recently, according to Bendile (2016) the minister of Higher Education stated that during the 2015/2016 financial year a wave of student protests were seen over a variety of issues, including fees, outsourcing and accommodation. In his statement, the minister commented that he was astounded by the extent of the damage caused to property during the 2015/2016 financial year, which when consolidated across universities, amounted to R300 million. This is not the final figure, however, because four other universities still have to calculate their damages (Bendile, 2016). A concern identified by the minister is that there seem to be certain groupings of students who exploit legitimate student movements to damage university property by means of violence (Bendile, 2016). There is a need, at least financially, to better understand what drives the phenomenon of protests.

2.5.1 The purported rationale behind continued student protests: The many faces of student protests and student movements

That there is an inextricable link between student bodies and politics and/or political parties is undeniable. That the relationship is reciprocal would depend on the nature of the dissatisfaction and the context within which it presents itself. In the 1960s and 70s, for example, SASO gave the ANC new life, which the movement desperately needed. The youth of the South African people simultaneously boosted SASO, which was formed to represent black students (Heffernan & Nieftagodien, 2016: 100). More recently, in 2015, students at traditionally black universities and students at traditionally white universities rose up en masse against the government ruled by the ANC, demanding – among other things – free education.

As early as 1959, a group of students at the UFH decided to affiliate with the ANC in order to strengthen resistance to the Extension of University Education Act, which had extended the principles of Bantu Education to university level (Heffernan & Nieftagodien, 2016: 100). According to Heffernan and Nieftagodien (2016: 10–11), the May 1961 student strikes had a definite effect on the character of emerging student organisations. These organisations increasingly identified themselves with the daily struggle of the oppressed majority, including students at secondary school. This marked a paradigm shift in the reasoning of student

leaders, away from issues of food, fees at universities and corporal punishment at secondary schools, towards a more direct challenge to the Apartheid system. Apartheid informed the founding principles of the ASA, a key organisation for black students in South Africa, which worked in conjunction with the South African Students Association (SASA) in the United Kingdom (UK). The ASA was formed to accommodate political activists who had been exiled in the UK, including members of NUSAS.

While researchers and academics in general are relatively silent about the role of so-called white student movements, the role of NUSAS, which gave impetus to the formation of SASO, should not be muted (Brown, 2016: 21). Brown (2016: 21) argues that although the government was successful, at times, in driving students out of the political sphere during the 1960s, these attempts at subversion and repression by government rather galvanised student movements such as NUSAS, which sought to oppose government in public through some of the most publicly visible demonstrations and protests witnessed in the 1960s. Furthermore, these actions by the Apartheid government saw NUSAS abandoning its traditional role, as perceived by the Apartheid government, of providing pastoral care and acting as mediator between students and administrators, for a more politically overt role which was in direct opposition to the current government of the time (Brown, 2016: 21). This perceived negative shift in the role of the NUSAS SRC was highlighted by the vice-chancellor of the University of Cape Town (UCT) in a meeting with the SRC in which the vice-chancellor attempted to persuade the SRC to avoid mass protests, emphasising the role of the SRC, and warning its members that, as the student leadership, they had a democratic responsibility if the views of the majority were clearly wrong and unlawful (Brown, 2016: 21). Although NUSAS was in opposition to the Apartheid government, a group of black students, some of whom had, until then, been active participants in NUSAS in the 1960s and some who were identified as future leaders in NUSAS, expressed dissatisfaction with the internal workings of NUSAS. They felt that NUSAS was not the ideal student organisation to represent the interests of particularly black students and that the supposedly radical white leaders could not adequately articulate black experience; that there was an ideological divide between the white and black students to which white students were oblivious; and that, at some centres, non-white students could not participate in the National Student Union of South Africa (Brown, 2016: 41; Heffernan & Nieftagodien, 2016: 7). This, states Brown (2016: 21), marked the first attempt by black

students to assert their own political and social agency after the suppression of aboveground organisations of the 1940s and 1950s. This shift gave birth to SASO which would become a national union for black students, and an alternative to NUSAS.

At first, SASO and the broader BC movement, which underlie black social and student movements, were both politically and ideologically aligned (Heffernan & Nieftagodien, 2016: 102). However, according to Heffernan and Nieftagodien (2016: 102), differences emerged within the BC movement after the mid-1970s and consequently student movements arose, including those which did not view South African society from a racial perspective, but which clearly set white people apart from black people – though from a class perspective, which now included the rising black middle class. The president of SASO, Diliza Mji, warned students that they could be the oppressors of the people if not armed with what he called, "a clear analysis and strategy" and an accurate perception of who the enemy was, since the rising black middle class was friendly to imperialism. Furthermore, there were accusations that SASO was becoming communistic in its ideology, which gave rise to tensions among those who supported a race-class analysis and those who emphasised race, and a new society of "black communalism which represented a third way between capitalism and communalism (Heffernan & Nieftagodien, 2016: 103). This new line of thinking permeated the BC movement well after the banning of SASO in 1977 and into the 1980s, and was led by key ANC supporters.

Moving forward, as a result of ideological differences and political orientation, a major split occurred within the anti-Apartheid forces between those which supported BC, AZAPO, the National Forum and the Azanian Manifesto and those who supported the ANC and the Congress movement, the United Democratic Front and the Freedom Charter (Heffernan & Nieftagodien, 2016: 104). According to Heffernan and Nieftagodien (2016: 104), the Congress of South African Students (COSAS) was among one of the student organisations formed in the 1970s which supported the Congress movement. The Congress movement was further strengthened by the support of the South African Allied Workers' Union. Local and regional-level community organisations that emerged in various areas mobilised people around housing, rent, electricity and transport, which was largely led by the Congress movement, which included COSAS (Heffernan & Nieftagodien, 2016: 104). This collaboration between workers, the community and students, which is indicative of the changing face of the student movement, is evidenced by the Fatti's & Moni's strike in 1979, in which the students were

among the strongest forces mobilising support for the boycott. Through these boycotts, and an interest showed by these students – who were part of university and secondary school SRCs – in the 1905 literature of Trotsky, a new generation of student activists surfaced. These new student activists endeavoured to link education concerns with the labour movement, and expand on the developing class-based critique of Apartheid (Beinhart & Dawson, 2010: 65–66).

Twenty-one years after the inception of democracy, Commey (2015) asserts that students have once again claimed the ANC'S 1955 Freedom Charter as their own and demand from government to fulfil its promise to the people for free education for all. Accusations have been levelled at the minister of Higher Education, Blade Nzimande, that he has ignored a report compiled by a team led by the vice-chancellor of the Nelson Mandela Metropolitan University to investigate the best model for free university education. The report has been with Nzimande since 2012, with no feedback or results forthcoming (Commey, 2015). That the minister's response was that he did refer the model to Treasury for costing, and the model was subsequently found to be too expensive, only served to spur the students on to protest action. However, it would be too simplistic to lay the blame for the FMF campaign, or any other recent student protests associated with the FMF campaign, on the action or inaction of the minister of Higher Education. According to Commey (2015), what is happening in South Africa is the result of the far-reaching inter-generational consequences of colonialism, political apartheid, and now economic apartheid. Commey (2015) states that many question whether Nelson Mandela's reconciliation project that left the economic structures of colonialism and Apartheid in place has not perhaps betrayed the aspirations of the black masses. This was perhaps made evident by the South African students reacting sharply to revelations of racism at the University of the Free State (UFS) and organising marches there and on other campuses around the country. As the then president of the South African Students' Congress, David Maimela pointed out, protests against racism are not a new issue for black students (*University World News*, 2008).

Moloi (2015: 106–108) concurs with Commey (2015) that racial tensions are an inter-generational phenomenon and that politics and protests, in particular, are a tradition which is handed down from generation to generation. According to Moloi (2015: 106–108), students and young people in general are introduced to politics in different ways. For some, Moloi

(2015: 106–108) points out, the introduction to politics is at home through the narratives of the parents and grandparents, who prior to 1994 still identified the "white man" as being the common enemy. This phenomenon is illustrated by the comments of an interviewee who was a student in 1968, and who relays his mother's words to him when she discovered that he was working for a white family as a part-time gardener. Her words to him were: "I will never suffer at the white man's hands and let my children suffer too. I will suffer on your behalf". Jansen (2008) was also perplexed by the same phenomenon, and asked the question "How is it possible that young white students, born around the time of Nelson Mandela's release from prison can hold such firm views about the past, such rigid views about the future?" However, what Jansen (2008) discovered after spending much time with these white students was that they were decent, idealistic and committed to their country, and that they were capable of change. There is, however, a serious problem: they carry with them the "seeds of bitterness" (Jansen 2008). According to Jansen (2008), bitterness is channelled, in the case of the white Afrikaner youth, through five influential agencies: the family, the church, the school, cultural associations and the peer group. Moloi (2015: 106–108) also identifies church youth formations as being instrumental in awakening and continuing stimulation of political debate and discussions among young black students. According to Moloi (2015: 106–108), there was a strong anti-white sentiment among both adult and young black people which was further perpetuated by such campaigns in the 1980s as 'Each one teach one', which took place in the absence of normal schooling, and students were also reading banned political material and debating political issues. However, what was significant about political activity prior to 1994, whether in the form of protest or demonstrations, was the overwhelming ideology that the whites were the enemy and the whites were the oppressors, which gave rise to the notion of 'comrades', who were seen as the defenders of communities and the fighters against injustice and the liberators of the people (Moloi, 2015: 106–108).

Luckett (2016) concurs with this view and contends that, a generation after South Africa's political transition in 1994, a new wave of anti-(neo) colonial protests have broken out on historically white university campuses, led by 'born free' black students. Among the demands of the protestors taking part in the #RhodesMustFall (RMF) movement are the removal of the statue of Cecil John Rhodes and the call for the decolonisation of the present curriculum, which has now been firmly placed on the table (Luckett, 2016). Luckett (2016) asks the incisive

question: "What must the world be like for black students at a post-colonial university [for them] to express such anger and frustration?" Evidence of anger and frustration are found in the words of a student at an assembly asking for the removal of the statue of Cecil John Rhodes:

> Getting a degree here is a form of mental slavery and colonisation.
> We can no longer breathe! We want to breathe!
> We must exorcise the colonial ghost from the curriculum.
> We want relevant knowledge, we want to study African history, and we want to reclaim our black history.

The challenges of transitioning to a contextual and relevant curriculum and the unwillingness of university administrators to change – giving impetus to the possibility of college or university student dissatisfaction and eventually leading to protest action if not addressed adequately – is not a new phenomenon. A student's remarks: "I'm educating myself the way they want … I'm not learning what I want to learn … I don't care about the feudal system. I want to learn about life" are perhaps indicative of this phenomenon (Schwab, 1969: 13–14). Schwab (1969: 13–14) concurs with the comment of this student and posits that the ills diagnosed are ills of the curriculum and not solely those of the protesting student; that the prescriptions are addressed to the curriculum; and that the beneficiaries should be the students. However, states Schwab (1969: 13-14), gains envisaged through curriculum changes will, in some instances, not convince administrators to change. Some administrators, Schwab (1969: 13–14) contends, subscribe to what he calls "the supermarket view" of universities. In this view, the central fact is that protesters are few, and the silent are many. According to this view, Schwab (1969: 13–14) points out the attitude of administrators as follows: Since the majority of the students tolerate what we are doing now, why change? Schwab (1969: 13–14) further argues that if the argument is taken as stated, there can be no reply. It would, however, be a mistake to assume that "to tolerate" means "to be satisfied with" or "to be pleased by". On the contrary, says Schwab (1969: 13–14), the current of dissatisfaction and uneasiness about college curricula runs deep, as well as beyond the borders of the highly visible protest group. The need to change the curriculum and the unwillingness of HEIs to do so are also echoed by Van Vught (1991, in Cloete et al. 2002: 175). This author concurs with Schwab (1969: 13–14) that when the curriculum fails to produce successive new cohorts of

innovative researchers – as is the trend in South Africa currently – this suggests that the nature of the curriculum and its reform becomes, once again, a matter of public concern and debate. However, says Van Vught (1991, in Cloete et al., 2002: 175), this is rarely welcomed by the HEIs that have, through their many metamorphoses, jealously guarded the right to control what they may teach and research. It is no wonder that, in the domain of national curriculum reform, states have found that reform across the system is frustratingly difficult to achieve (Van Vught 1991, in Cloete et al., 2002: 175). However, where curriculum changes have been implemented, whether with or without the inputs of students, this has led to some serious altercations between university management and lecturers. For example, in one instance, when a new course was introduced after the merging together of two different departments, a well-respected senior academic with an anti-apartheid track record was dismissed from her post at a leading university, based on the accusations of students who bypassed this senior academic and went directly to the dean to complain that the course was unfair, that the comments on scripts were demeaning, and that the course lacked overall coherence (Webster & Masoeta, 2001: 2). However, apart from the accusations and counter-accusations, this case, according to Webster and Masoeta (2001: 2) captures in a nutshell the challenges facing management and academics in the workplace. Among the challenges are:

- The changing student clientele and the need for academics to be sensitive to these needs;
- The shift away from the traditional curriculum and the resulting multi-disciplinary and team teaching; and
- The impact of mergers of departments on traditional lines of authority.

However, there are very many good students who note and formulate weaknesses of the curriculum quietly instead of disruptively, and there are many more who note weaknesses uneasily but are silent by virtue of conditioning to conformity or because of the anxiety roused by the risks of protests (Schwab 1969: 13–-14). It is in the light of such facts that Schwab (1969: 13–14) contends that protests become “an extremely useful body of presenting symptoms which is the silent coronary thrombosis which kills”.

Students at Stellenbosch University (SU) once again protested in the name of the ANC Freedom Charter and declared “The doors of learning and culture shall be opened to all.” This happened against the background of months of turmoil at South African universities, and

student protesters won the right to be taught in English at SU, the intellectual home of Afrikaners during the Apartheid era (Africa Research Bulletin, 2015).

According to Wambu (2015), it became clear during the RMF campaign that even the statues were part of the deal that was made in 1994, which perhaps reveals the extent to which the country and its government was unable to shed the yoke of pre-Apartheid economic and cultural structures. However, says Wambu (2015), just as soon as the RMF campaign started gaining momentum, it was superseded by discourse on the xenophobic attacks in Durban. Similarly, the FMF campaign replaced the narrative about structures with one of ANC corruption and betrayal (Wambu, 2015). According to Wambu (2015), the time-bomb is ticking and the question needs to be asked: Which forces will reap the harvest, international capital or African nationalism? Ndweni, Omarjee and Mulaudzi (2015) are of a different view and contend that South Africa is not sitting on a time-bomb and that people should not be "unnecessarily alarmed". According to Ndweni et al. (2015), there have been protests and unrest in the country for the past 40 years and South Africa has coped. What Ndweni et al. (2015) are suggesting is that protests are perhaps an indication of the government's inability to capitalise on growth opportunities and that if government wants society to grow and reach its full potential, it should be concerned about empowering those that have been marginalised.

As stated in the previous paragraphs, it would be too simplistic to try and establish reasons for student protests by purely trying look at these protests through the lens of, say, financial exclusion. Student protests in the pre-Apartheid period were focused on a common enemy, a well-known and easily recognisable enemy, and students knew where the enemy was located. In the post-Apartheid period, the 'battle-lines' have been blurred. At UWC, for example, the students under the leadership of a democratically elected SRC still found it necessary to launch the FMF campaign, ignoring all other mechanisms for negotiation. However, what was significant in this study was that it included other issues, such as insourcing versus outsourcing of staff and student accommodation. This multidimensional approach that students employ when they decide on protest action was also evident in the student protests at Rhodes University. While students have been victorious in having the statue of Cecil John Rhodes removed, the students at Rhodes University, according to Thamm (2016), have now embarked on what is termed the #RUReferenceList protest. The rationale

behind the protest is that appeals to the justice system to stem the tide of rapes in South Africa have not worked and that government only understands violent resistance (Thamm, 2016). This particular protest at Rhodes University was sparked by the release of a list of current and past students whose names appeared on the Rhodes University Queer Confessions, Questions and Crushes Facebook page with the hashtag #RUReferenceList. Consequently, the list was shared on the SRC Facebook page and a protest ensued (Thamm, 2016).

Among the multidimensional faces of the recent student protests is one of patriarchy. The patriarchal nature of political contestation has always been present and is also the matrix through which politics is organised (Jagarnath, 2016). However, what is significant is that this form of patriarchy was reinforced by a court of law which found Jacob Zuma innocent of rape charges in 2005, and he subsequently became the president of South Africa in 2007. According to Jagarnath (2016), it is perhaps not surprising that this form of patriarchy has found its way into the current spate of student protests, where the man-handling took place of a female protester who was part of the student group of largely feminist and lesbian, gay, bisexual, transgender, intersexed, queer and asexual (LGBTIQA) protesters, who were protesting against their exclusion and marginalisation from the recent FMF campaign at Wits. What has become apparent is that there is evidence of movements within movements, which, according to Jagarnath (2016), are cracks which are appearing in the student movement along party political, ideological and class lines. Student movements at institutions of higher learning should primarily be about the success or failure of students and how to create a ratio in favour of a high pass rate. However, it is debatable whether the politicisation of student movements has contributed to the successful existence of students from institutions of higher learning within the prescribed time. However, what is certain is that there is political influence, and the support of student movements is made evident by the ANC's congratulation of the Progressive Student Alliance (PYA), which operates under the banner of SASCO, for their performance in the SRC. The PYA won back control of the SRC at the Fort Hare University and across various other campuses in South Africa (Kodwa, 2016).

There seems to be general agreement among academics and politicians that student movements such as the FMF campaign, as espoused by Adam Habib (Raborife, 2016) whom contend that #feesmustfall was a legitimate movement. Shaw (2013) asked the question how

universities should respond to student protests. Shaw (2013) posed this question to 10 respondents and these are some of their views:

> Student protest should be encouraged. How managements respond to it is about the sort of university you have in the first place. When choices are made about the university's future, staff, students and their unions should be meaningful citizens and partners. At the moment consultation takes the form of surveys or Q&A sessions about decisions already made. It is inevitable people look for other ways to make their voices heard. When procedures feel rigged it's no wonder people resort to action outside governance structures. Managers should respond to protesters by talking to them. Disciplinary procedures should not be a substitute for dialogue. Management should be accountable when things go wrong for the university and good relations collapse. Governing bodies should be ready to act. An open, participatory university is the best response to protest. (Luke Martell, professor of political sociology, University of Sussex).

> As an academic and an administrator at a South African university, I can safely say that student protest politics is to be cherished. It is a time for students to really express what they believe in and stand for while growing up in a learning environment. Of course this does not detract [from the fact] that these protests may get out of hand and elements within the student groups may want to resort to violent behaviour. University administrators should certainly learn to negotiate rules governing protest action with student leadership and have this in place ahead of any protest action. This will contribute to minimizing the groups that wish to pursue a more violent form of protest or demonstrate behaviour that would ordinarily be unacceptable to society at large. Above all administrators should learn to engage and keep the channels of communication open with protesting students and their leaders. (Dr Gopalkrishna Chetty, special advisor to the vice-chancellor, Durban University of Technology).

> Students must have the right to peaceful protest on their campuses. This week's global outpouring of respect for Nelson Mandela makes today's protests all the more significant. Let's not forget that student-led protests and campaigns played a key role in supporting Mandela's anti-apartheid campaign movement in the 1980's. It is this resurgent student protest movement, on issues ranging from fees, cuts to fossil fuel divestment and worker's rights, which is now a threat. As a campaigner with the UK's largest student activist networks, *People & Planet*, I receive regular reports from students about increasingly harsh and violent policing and intimidation tactics from their campus security

services. The punitive suspensions, bizarre bail conditions and mass arrests as faced in recent weeks represents a complete lack of foresight from university managers and serves only to recruit more students on their causes. Students want better representation of their views throughout their institutional structures and are willing to engage positively and constructively to this end. Instead of seeking to suppress this critical engagement with issues of our time – from climate change to liberalisation – vice-chancellors should welcome and encourage their input. Isn't that what institutions were founded to do? (Louise Hazan, campaigns and communications manager, *People & Planet*).

When protests occur, it shows that there is a breakdown in university procedures for consultation. Protest is a way of influencing when all other avenues have been shut down. It needs to be recognised as being legitimate and requires universities to listen to students and staff and come to a compromise. Administering "precautionary" suspensions without evidence, such as the ones at Sussex, only serves to heighten a feeling of mistrust and not being listen[ed] to. Through dialogue with student protesters and engagement with the students union prior to any disciplinary action, universities can take the lead [in] creating a true partnership with students and staff. True partnership does not mean forums with no communicable change afterwards but real results that are tangible for the community. We need to start exploring the meaning of democratic universities – with meaningful involvement of the community in decision-making. This form of governance will hold senior leaders accountable to their communities and enable them to make decisions that the communities are invested in. (Sophie van der Ham, welfare officer, University of Sussex students union) (Shaw, 2013).

2.6 Chapter summary

In the preceding paragraphs the researcher briefly explored the international historical perspective of protests. A national historical perspective (pre-1994), in particular as it relates to student protests, was also investigated. The researcher also looked at the post-1994 national perspective, from which some parallels can be drawn, namely:

- Before 1994, whites were seen as the perpetuators of inequality. After 1994, the legacy of apartheid and the government's neo-liberal stance are generally perceived to be the perpetuators of inequality;
- The protests are of a persistent nature, goal posts are being shifted, and multidimensional in nature with race issues still coming to the fore;

- Protesters are generally not concerned with the preservation of their own lives, but are more concerned about the broader course of what the movement represents;
- Government, generally through its action or inaction, gives impetus to protest action and does not concede or is unable to concede readily to protestor demands, regardless how legitimate these demands are;
- How government reacts to these student protests and how long government takes to react to the protests generally determine the extent of the violence of the protests;
- There is some evidence that residual effects of South Africa's racial past from time to time manifest themselves within the student population at universities. This may be attributed to generational conditioning;
- The student protests will generally escalate where a perception is held by the student movement that those in decision-making authority do not want to listen;
- There is a general disregard for figures of authority. As observed by Jonathan Jansen, vice-chancellor and rector of UFS: "When protests against university fee increases began in 2015, they were peaceful and the students united. This, however, changed in 2016." This partly describes how student protests have manifested themselves. Plaatjies, Chitiga-Mabuga, Hongoro, Meyiwa and Nkondo (2016: 152) allude to a model of political culture where there is less deference to authority.

As much as violent protests are not desirable, there is evidence that protests are a form of participation in policy making. Protests become especially relevant when traditional community participatory mechanisms have failed, with specific reference to university participatory mechanisms. There is also evidence that university students will try to influence policy outside legitimate mechanisms, and it would seem that students' trust in their SRCs to negotiate on their behalf in good faith is not always present. There is also a political model which exhibits a robust support for democracy; a weak support for democratic performance, combined with lower trust in political institutions; and a growing affinity for less conventional forms of political activity, which gives distinct priority to voice and participation rather than order and security (Plaatjies et al., 2016: 317–332). This could be the result of the politicising of SRCs, as espoused by Cele & Koen (2003), where the SRC's affiliation with a particular party is shrouded in suspicion. That student protest has to be considered a legitimate mechanism for student engagement with university management by the university management has

become apparent. The only questions are whether existing participatory mechanisms at universities are able adequately to deal with this type of mass participation in policy making and whether university management is genuinely interested in students' opinions. Furthermore, student participation should manifest itself on a continuum ranging from public power at the one extreme and non-participation at the other extreme, as posited by Mchunu (2012) or on a continuum, from peaceful electoral participation at one end and violent civic protest at the other, as posited by Ginsberg (1982, in Plaatjies et al., 2016: 147). This is the topic of discussion in Chapter 3.

CHAPTER THREE

STUDENT PARTICIPATION IN HIGHER EDUCATION GOVERNANCE STRUCTURES: AN INTERNATIONAL AND SOUTH AFRICAN PERSPECTIVE

3.1 Introduction

In Chapter two, the researcher discussed the prevalence of protests within the broader community and, more specifically, the occurrence of student protests at universities as a microcosm of the broader community. It is with reasonable certainty that it can be said, as is espoused by Thobakgale (2001), that higher education as a sector comprises stakeholders participating in the processes of producing and applying knowledge through research, teaching and service. Furthermore, these stakeholders occupy different positions as dictated by the kind of activities they are involved in within the higher education system. This system does not exist for its own sake, nor does it exist on its own; it is, states Thobakgale (2001), a system that exists as a parcel of the society in which people live, a society characterised by different sociopolitical and economic interactions. It is therefore correct to view HEIs as a microcosm of society, a reflection of different power relations observed in different forms as the system contributes to changing society, and in turn society contributes to shaping the higher education system. Thobakgale (2001) further identifies the following as stakeholders in higher education: the state, academics, managers, administrators, students, workers, and the general public. Stakeholders are further identified as individuals or groups of individuals who not only express an interest in higher education, but actively participate in activities taking place in the system. Historically, student politics have always been a part of this system and cannot be divorced from the broader community within which it manifests itself. This was illustrated by the student protests of 1972–1974, in which students sought to depart from the previous sporadic nature of their protests, and elected to expand the possibility of political activism by bridging the gap between students and workers, university spaces and public spaces, youth and the communities within which they had been born and brought up (Brown, 2016: 110). According to Brown (2016: 114), student political activists during this same period, when protests were being suppressed at universities, left university spaces and started to engage not only the broader community, but also former students and members of rural

communities, urban professionals and workers. An example of such interaction between students and the broader community is the interaction of the Black Community Programmes, which had been part of SASO's planning for many years, with the main aim of building up community awareness and liaison between students and the people (Brown: 2016: 115). Therefore, if university students are part of a community and are a community in their own right and remain open to the broader political arena, do university students, as in the broader community, have access to community consultative forums, student leaders that represent their interests at council meetings? Are there any standards such as the International Association for Public Participation spectrum or the Mchunu Public Participation Model (MPPM), in the case of the broader community, against which the quality and extent of student participation in forums and the level of representative democracy for SRCs can be measured? Or are student SRC elections 'invited spaces' subject to the whims of university management and are SRCs only there to 'rubber-stamp' decisions already contemplated by university management? In the ensuing paragraphs, the researcher firstly explores the higher education landscape within the UK and European higher education governance system. The aim is primarily to highlight the commonalities and the need for student engagement in university governance in a global context, and student engagement in higher education governance in Africa and South Africa. Secondly, the aim is to explore how SRCs, who represent the interests of students as critical role players and stakeholders, currently dovetail with governance structures in the higher education landscape in South Africa, and at UWC specifically.

Figure 3.2 below illustrates the internal governance structure of the University of Amsterdam. What is noticeably missing within this illustration is where the student representive structures are located within the organisation of the university, although there is some indication that provision has been made for student services.

3.2 The governance of higher education: A UK and European perspective

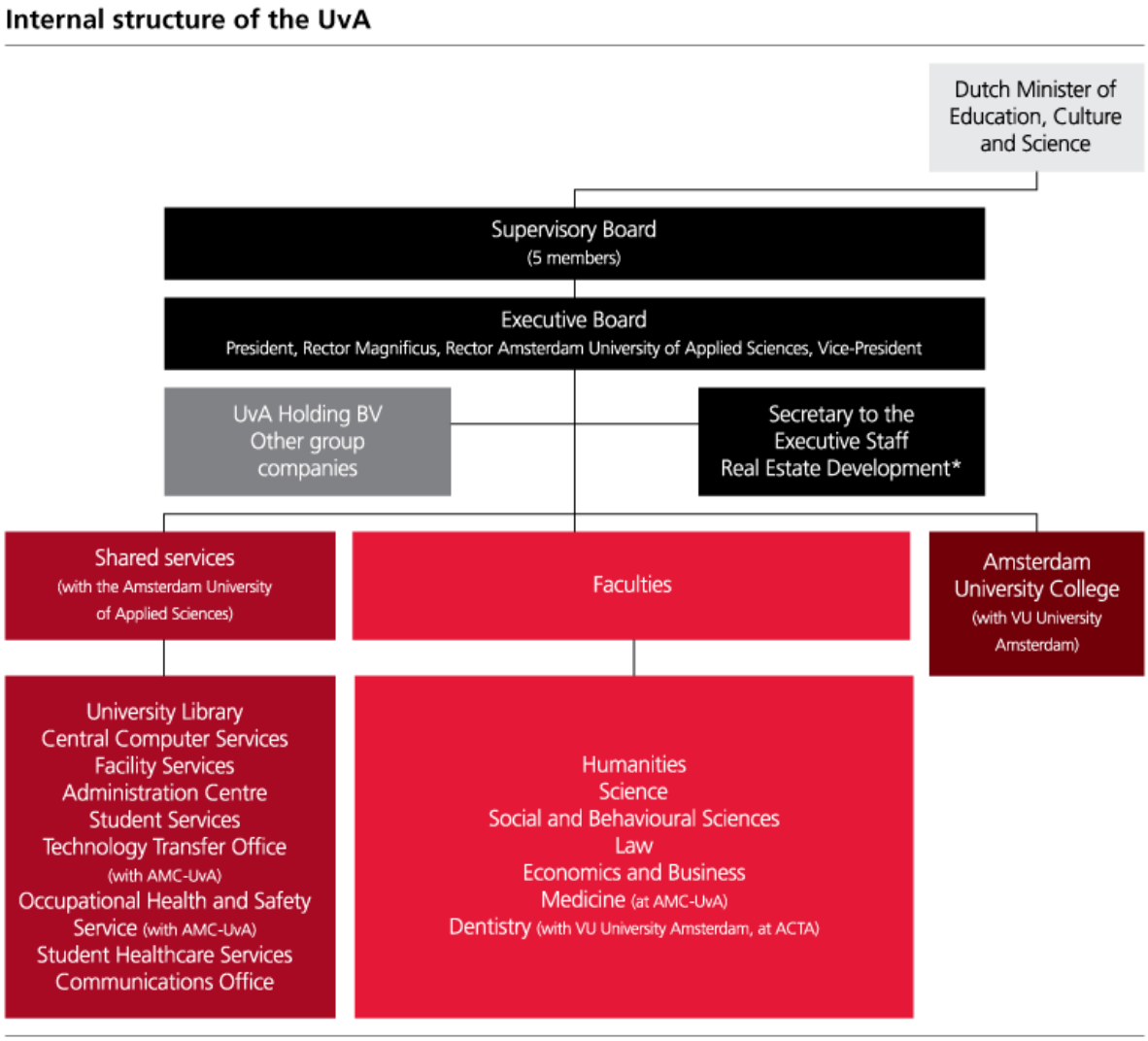

Figure 3.1: Internal structure of the University of Amsterdam, 2016

There is agreement that we are living in a global world both politically and economically. Furthermore, increasingly academics and researchers are referring to the "globalisation of universities". According to Safwan (2016) many institutions of higher learning have reached beyond their original campuses through the broad spectrum of initiatives and investments around the world. It is therefore with reasonable certainty that it can be argued that universities world wide face similar governance challenges, albeit to lesser or greater extent. Notwithstanding these global governance challenges at most universities, the researcher has opted to focus on university governance structures in the UK, Netherlands and Kenya

primarily to highlight the similarity among issues at universities in general, but which are not necessarily unique to these universities which are discussed.

Among the burning issues of university governance, is the question of university autonomy. This is no less true for university governance in the UK. According to Tapper and Salter (1995), most dictionary definitions of autonomy refer to 'the right of self-governance'. Eustace (1982, in Tapper & Salter, 1995) argues that since 1945 this right to university autonomy has been increasingly exercised by the academic faculty. In real terms, this translates into, and is perceived by universities as, the right to appoint academic staff without external interference; to decide whom to admit as students; to identify what to teach and how it should be taught; to control their own standards; to establish their own academic priorities; and to determine internally their patterns of future development (Farant, 1987: 48 in Tapper & Salter, 1995). However, Tapper and Salter (1995) state that recent changes in the relationship between the state and the universities have caused many to doubt the continuing aptness of describing British universities as autonomous institutions. Of relevance to this research project is that university autonomy, as elsewhere in the world, is always exercised within a political context (Tapper & Salter, 1995). According to Tapper and Salter (1995), one of the key determinants of university autonomy is the character of the financial relationship between the state and the universities. While state grants to universities in the UK had been capped at one-third of university needs, it was perceived that this autonomy was undermined by the almost complete dependency of universities on the state for funding from 1945 onwards. It was also perceived that the decline in state funding to universities from the 1950s would have ushered in a concomitant increase of university autonomy (Tapper & Salter, 1995). However, the current relations between the state and the universities can best be described, according to Tapper and Salter (1995), as an attempt on the part of the government to create a managed market financed mainly by public money while universities retain control of their own affairs. Universities are nonetheless expected to operate within centrally defined and regulated parameters that are managed by the funding agencies. Tapper and Salter (1995) have further identified three levels at which the relationship between the state and universities operates, namely:

- The parameters which are under the control of the state

- The management of these parameters (which initially included translating them into operational procedures), which is the responsibility of the funding bodies
- Or a combination of the afore-mentioned two levels

Tapper and Salter (1995) further argue that in this process the state has redistributed power within the university, reversing the seemingly ever-expanding authority of the dons and what may concern the dons. With the apparent decline in their influence on institutional decision-making, autonomy appears to be more dependent on the judgement of university officials than on the wisdom of university management.

However, what is noticeably absent in the afore-mentioned discussion of university autonomy and distributed leadership in higher education is the role of students in the UK and Europe in the management and governance of universities and their views regarding their participation or not in university management and governance, against the backdrop of the notion that students are key stakeholders and consumers of university services. According to Menon (2005), a study conducted at the University of Cyprus, which explored the views of students regarding the extent of their participation within an environment of distributed leadership, the management of their university and their satisfaction with the degree of that participation, revealed that the respondents believed that their involvement in the management of their institution was very limited. This, according to Menon (2005), applied to both high and low levels of decision making, even though respondents recognised that their input was greater in less important decisions. Of significance to this research is that, according to Menon (2005), this perceived limited involvement resulted in feelings of frustration and dissatisfaction among students, with the majority of respondents demanding a higher level of participation for three decision-making situations, namely:

- Participation in the aims-setting process: actual and ideal;
- Participation in the choice of university strategies; and
- Participation in the choice of actions.

Of importance to this study is Menon's (2003, in Menon, 2005) view that emphasises the importance of assessing the effectiveness of student participation mechanisms on a systematic basis through organisational audits. Furthermore, these audits should be used to record student satisfaction with current practices and identify the reasons for content with the governance of higher education, while simultaneously providing additional information

to students about their rights and the offerings of courses which explicitly deal with democratic practices and civil education (CC-HER Bureau, 2000, in Menon, 2005).

Rodgers, Freeman, Williams and Kane (2011) looked more closely at the role and importance of students as stakeholders along with government and the taxpayers, who are viewed as principle stakeholders to whom university management should be accountable. Rodgers et al. (2011) further argue that higher education needs to be most accountable to the students themselves. Since the early 1990s in the UK there has been a distinct movement towards placing students at the centre of higher education with some commentators referring to students as "principle stakeholders" (Harvey, 1996), as "clients" (Bergan, 2004) and "customers" (Lomas, 2007, all in Rodgers, et al. 2011). While this paradigm shift may be attributable to the broader shift in the 1980s and 1990s, which saw the wider public sector viewing citizens as customers as a result of the influence of the New Public Administration paradigm, the 'marketisation' of higher education has played a role, but the 'massification' of higher education has placed concerted financial pressure on institutions of higher learning to provide client-oriented service to a broader student base. In 2009 the Higher Education Funding Council for England (HEFCE, 2009, in Rodgers, et al., 2011) published a university governance policy, "Guide for Members of Higher Education Governing Bodies in the UK", which sets up the role of students in governance in line with the consumerist model of students. The policy states: "Universities and colleges must respond to heightened expectations from their students, from their government, from business, and from their own academic and professional staff. Learners are more demanding …"

One of these response mechanisms to increased student expectations is the use of surveys and representations included in the repertoire of student mechanisms as part of the university governance structures.

According to Rodgers et al. (2011), in a number of studies done in the UK, the rationale behind using student surveys includes:

- "Enhancing student experiences" – which recognise students as demanding customers,
- "Listening and being responsive" – which seeks student opinion in order to:
- "Nip problems and issues in the bud" – and, less commonly,
- "Learning communities" – in which students are partners in university activity.

According to Rodgers et al. (2011) most governance structures in the UK follow a similar model through which, at various levels, policies are developed and decisions are made and ratified, although the exact structures and committees will vary. Of relevance to this research is the fact that students themselves would commonly engage in representations at faculty and programme levels alongside their studies (Little, Locke & Scesa, 2009, in Rodgers et al., 2011).

Little et al., 2009 (in Rodgers et al., 2011) contend that in theory, and often in practice, representation at all levels provides a mechanism by which students are able actively to contribute to university governance. Furthermore, student representation in committee structures, at the very least, provides an important symbolic integration of students as part of the university management structure, but, at best, can provide a route for students to play an active part in decision making and "discussions about programme and institutional development". Figure 3.2 below demonstrates a typical internal UK HEI governance structure.

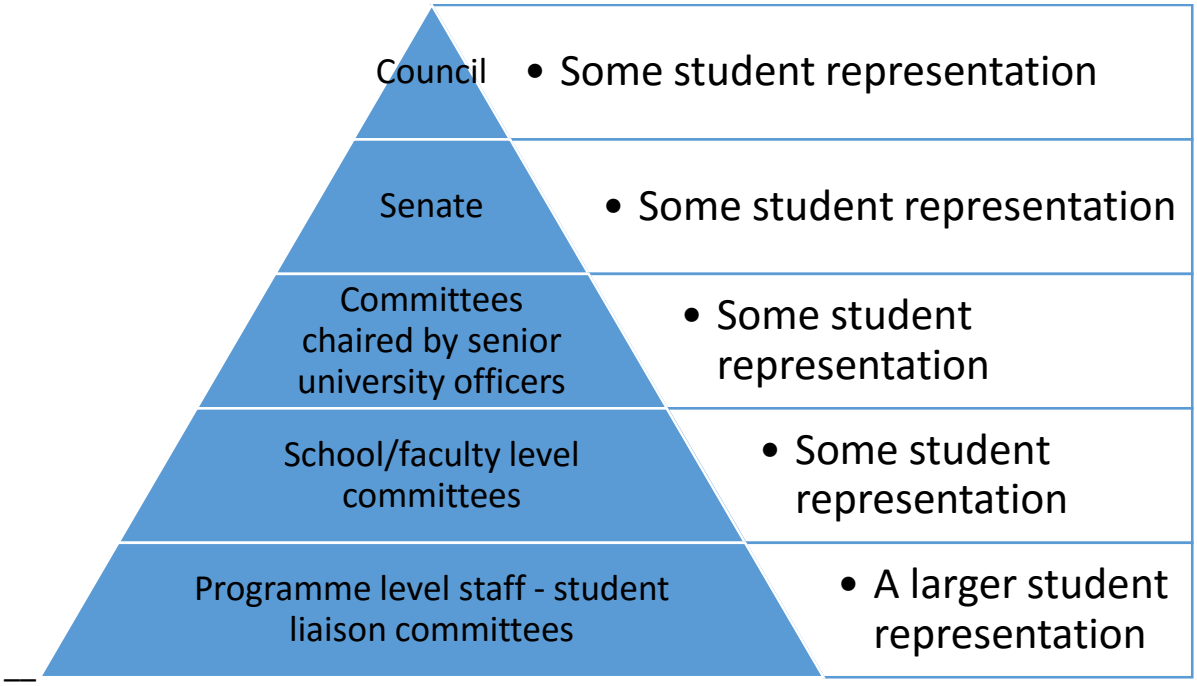

Figure 3.2: Pyramid of higher education governance in the United Kingdom, 2009

Sources: Committee of University Chairs, 2009: 41; Little et al. (2009, in Rodgers *et al*., 2011). Additional remarks by researcher.

Figure 3.2 illustrates a typical governance structure in a UK higher education governance system. According to Rodgers et al. (2011), the evidence suggests that student involvement in these broader structures of higher education governance is strongly influenced by the

institutional student unions. Furthermore, although the role of the student union SU is defined by law, the role of unions in student governance is quite vague, with the result that in the UK there are large variations in terms of the activities and income levels of student unions (Rodgers et al., 2011). Rodger et al. (2011) states that, while student–staff liaison committees represent the most prevalent approach to student involvement in governance at a local level in the UK, a number of additional meetings often take place between union officers and university senior management outside the formal committee structure on a regular basis. However, Little et al. (2009, in Rodgers et al., 2011) contend – significantly to this research – that there is nonetheless an element of wariness expressed by a minority of student unions about the closeness of this relationship. Unions feel that there is a danger of being "co-opted into the institutional view", rather than acting as a "critical friend", although these informal meetings provide a constructive approach to working together. Another similarity between the UK higher education system and South Africa lies in its historical development (Ray, 2016: 12). According to Ryan(1998) in Ray (2016: 12) the Thatcher reforms of the 1980's higher education has existed in an " economic enclave protected by vested interests" of the priviledged class and in this regard, South African higher education, while claims of transformation is made, the controllers, the current governing bodies have not changed.

3.2.1 The governance of higher education: An African and South African perspective

According to Sifuna (1998), university education after the independence of Kenya in 1963 expanded phenomenally from the 1980s in response to the insatiable demand for higher education. Emerging parallel with this increased demand for higher education was the political system's exploitation of the increased demand for higher education in an attempt to level the historical and, in some cases, regional inequalities and the devaluation of higher education from the previously assumed elitist ethos of formal education (Sifuna, 1998). Furthermore, according to Sifuna (1998), this politicisation of decision-making has further reduced the effectiveness of the Commission of Higher Education in Kenya, which had been set up with full statutory powers to plan, develop and maintain the quality of university education. Of significance to this research are the symptoms of this politically motivated rationale behind increased student numbers at institutions of higher learning in Kenya, which

include the relatively high frequency of student boycotts of lectures which in most cases are accompanied by government closures of institutions. The unplanned growth in student numbers without the commensurate rise in the level of funding, a sharp decline in quality of education, and the diminished democratisation of decision making within the university management are a direct consequence of the politicisation of higher education in Kenya (Sifuna, 1998).

Sifuna (1998) also argues that university governance is inextricably linked to two fundamental concepts, namely university autonomy and academic freedom. Sifuna (1998) further states that though these concepts are related, they are not synonymous concepts. Higher education governance in Kenya, like that of other African universities, grapples with the paradoxical phenomenon, as espoused by Luescher, Klemenčič and Jowi (2016:182), of increased student numbers at universities and the concomitant increase in the need for funding from the state. University autonomy is prejudiced and, historical ideology of universities being autonomous, self-governing bodies are being questioned more and more as university education gains more importance as a public good, inseparable from other societal needs, and therefore needs government intervention which leads to greater accountability from universities to government (Sifuna, 1998).

According to Lee (1997, in Sifuna, 1998), too much university autonomy might lead to universities being unresponsive to society, and, on the other hand, too much accountability from universities to government might destroy the academic ethos. Furthermore, argues Sifuna (1998), universities' autonomy and academic freedom very much depend on the prevailing political system, since democracy by its nature ostensibly supports autonomy, while authoritarian rule denies the concept of autonomy and academic freedom. However, while democratic rhetoric is espoused in many African countries, and the Universities Act, as in Kenya, prescribes adherence to the principle of higher education autonomy from government control, the establishment of new institutions of higher learning are nonetheless expected to follow laid-down government procedures through specific legislation. Furthermore, although many universities have enjoyed some degree of autonomy with regard to student admissions and academic staff recruitment, as well as in the determination of their teachings and research agenda, government involvement has been a common feature of government–university relations (Mwiria, 1992, in Sifuna, 1998). However, historically, the

granting of university autonomy via various legislation has not always been viewed in a positive light by all the stakeholders in the higher education landscape, as became evident at the UFH in 1969 when the Fort Hare Act passed by the Apartheid government finally gave the university the autonomy to issue its own degrees and move along its own path of development (Massey, 2010: 19). According to Massey (2010: 19), although this autonomy which was granted by the Apartheid government had been a long sought-after goal by the entire university community, students viewed the granting of this autonomy as a cheapening of their degrees, and a 'ghettoisation' of their education. Students also viewed the act as a continuation of the Apartheid policy of curbing the critical and independent thinking for which Fort Hare had become known, by replacing it with a curriculum designed to promote the policy of separate development.

A study by Luescher-Mamashela (2010), which explored university governance at UCT, found that after waves of university democratisation, UCT experienced a rise of managerialism which entailed incisive changes in student–university relations. Luescher-Mamashela (2010) contends that changes could be observed at various levels, including the emergence of a de-politicised form of student activism and the adoption of consumerist student political discourse. It is further argued by Luescher-Mamashela (2010) that the rise of managerialism precipitated the momentous change in the legislation of student participation in university governance. In Luescher-Mamashela's (2010) analysis of university democratisation at the UCT as waves or phases which impacted on student participation, the first of these waves is identified as taking place in the 1960s and early 1970s. This wave saw the gradual opening up of the internal decision-making processes of the university to non-professional academic staff and students. However, Luescher-Mamashela (2010) argues that this transition was spurred on by international political developments and sustained student activism which was given impetus by a number of local grievances. A second wave of university democratisation, says Luescher-Mamashela (2010), took place during the late 1980s and early 1990s. While this wave took place concurrently with the fall of Apartheid, it cannot solely be attributed to the fall of Apartheid, but also to the anticipation by the then vice-chancellor, Dr Stuart Saunders, who sought ways of channelling the activist momentum into formal processes that could enhance the stability and legitimacy of the autonomous university governance during the transitional period.

While Luescher-Mamashela (2010) seeks to juxtapose student politics, the rise of democracy, and the rise of managerialism at UCT, student politics play a significant role in university governance at universities across Africa, particularly at the representative democracy level. Throughout the modern history of higher education in Africa, student participation in politics has been an important feature (Munene, 2003, in Luescher-Mamashela, 2014). Developments in African higher education have been inextricably linked to national and international politics, in which African students have played a significant role (Luescher-Mamashela & Mugume, 2014). Of significance to this research is the increasing involvement of political parties in student elections – which has become a noticeable and controversial feature of African student politics in the 2000s (Luescher-Mamashela, 2014). Soudien (2008, in Luescher-Mamashela, 2014) concurs with this concern, which is reflected in a statement by a South African ministerial commission:

> The overriding view at South African universities is that the dominance of student organisations which are linked to political parties, result in 'narrowness and parochialism' … in dealing with student issues, and fuels tension and conflict within the student body because of a lack of tolerance. The concerns raised are to a large extent influenced by the perception that student political organisations are too focused on national political issues and not on serving and/or representing the interests of students on campus.

According to Luescher-Mamashela (2014) most student governments in Africa work closely together with departments of student affairs and their heads, i.e. the dean of students or director of student affairs. However, an international comparison, and of significance to this research, is the revelation that African student governments tend to be politically strong but administratively weak, and therefore operate more through informal consultation with senior university managers, than through formal structures of university governance. Furthermore, the leadership skills of student leaders become critical in times of crises. In the absence of amicable solutions, crises tend to escalate rapidly (Luescher-Mamashela, 2014). Luescher-Mamashela and Mugume (2014) provide the typology of African students' governments, which can be distinguished by their constitutions, namely:

- A student government organised along the parliamentary system whereby an executive council or president is elected by, and is responsible to, a larger student

parliament or assembly, which has been elected directly by the student body (e.g. University of Pretoria; University of Venda).

- A system similar to a presidential form of government, whereby the president or executive council is elected separately and directly by the student body and the student parliament, and acts largely as a body for consultation and to hold the executive accountable (e.g. Kwame Nkrumah University of Science and Technology; Makerere University; UCT).
- A student government which is a variation of the presidential system, in which the executive council is made up of representatives elected from halls of residents (e.g. Rhodes University; Dar es Salam University; University of Ghana) or the faculties (e.g. University of Mauritius).

Of significance to this research is that students' governments are the officially recognised institutional organisations of the student body, which go by names such as Students' Guilds (e.g. in Makerere University, Uganda); Student Union (e.g. in Nigerian and Kenyan universities); or SRCs (e.g. in South African universities and, more recently, in the emerging private student's associations with their own president) (Luescher-Mamashela & Mugume, 2014).

3.3 The higher education landscape: The stakeholders

3.3.1 The role of the Department for Higher Education and Training

Post-school education and training in South Africa includes HEIs, further education and training (FET) colleges, and adult basic education and training (AET) centres (Bailey, 2014: 2–8). According to Bailey (2014: 2–8), the main government body responsible for tertiary education in South Africa is the Ministry of Higher Education and Training. Furthermore, in May 2009, the Department of Education was split into a new Department of Basic Education and the DHET, which formally took effect from 1 April 2010, according to Presidential Minute No. 690 of July 2009.

Within the DHET there are deputy director generals for universities; vocational and continuing education and training; skills development; human resources development planning and monitoring coordination; and corporate service (Bailey, 2014: 2–8). The purpose of the

universities division is, according to Bailey (2014: 2–8), "to provide strategic direction in the development of an effective higher education system and to manage the government's responsibilities for the regulation of the higher education system". There are two other key statutory bodies involved in the governance of higher education in South Africa, namely the South African Qualifications Authority (SAQA), and the Council for Higher Education (CHE), with its Higher Education Quality Committee (Bailey, 2014: 2–8). According to Bailey (2014: 2–8), SAQA was originally established by the South African Qualifications Authority Act, No. 58 of 1995, following the conclusion of the National Qualifications Framework (NQF), to oversee the further development and implementation of the NQF , and to coordinate the NQF sub-frameworks, including that of Higher Education. Complementary to the NQF and SAQA was the establishment of the CHE in 1997, which is a statutory body brought into existence by the promulgation of the Higher Education Act, No. 101 of 1997, mandated with advice, quality assurance and monitoring functions. Furthermore, the CHE is mandated to act as a quality council for the higher education sub-framework of the NQF, and has to advise the minister of Higher Education and Training (its parent ministry) on all higher education issues. Another key role player in the higher education system in South Africa is Higher Education South Africa (HESA), established in 2005 by HEIs as a forum for vice-chancellors of the 23 public universities in the country. According to its website, HESA endeavours to provide services to member universities in a number of areas including strategic research; policy advocacy and stakeholder engagement; sector support; special programmes to strengthen the capacity at HEIs; and value-adding services, including scholarships and international programmes (Bailey, 2014: 2–8).

3.3.2 The role of the Council for Higher Education

Early post-apartheid higher education policy initiatives included the National Education Policy Investigation, the Union of Democratic Staff Unions Policy Forum, and the Centre for Education Policy Development, linked to the ANC (Bailey, 2014: 2–8). According to Bailey (2014: 2–8), the ANC developed a new national education policy framework which pledged an ANC-led government to appoint a national commission to formulate recommendations for transforming higher education – which led to the establishment of the National Commission on Higher Education (NCHE) at the end of 1994 which, in turn, marked the first phase of the

formal process of higher education policy formulation in the post-apartheid era. Two notions of the NCHE which are of significance to this research are:

- The need for a single coordinated system which would require administrative arrangements to achieve better planning and coordination; and
- The notion of 'cooperative governance', a form or model of interaction/relationship which would attempt to balance the inherent tensions between government steering/state intervention in relation to autonomy national needs development on the one hand, and institutional and academic freedom, on the other.

Of significance is the NCHE's suggestion that, given the inherent nature of these tensions between government and HEIs, it was important for an intermediary body with delegated powers to manage these tensions and for the establishment of structures for consultation and negotiation. Furthermore the NCHE report favoured a more cooperative and inclusive model of an 'intermediary body', one that would promote cooperation between (rather than buffer) government and HEIs; but, as evidence would show, the new ANC government at the time took things in a different direction – moving away from the independent, stakeholder participation model of the NCHE and towards a council of ministerial appointees and stronger state steering (Bailey, 2014: 2–8). According to Bailey (2014: 2–8), the shift away from the CHE playing a coordinating role also saw, at the level of system governance, the CHE replacing an earlier organisational form (the University and Techikons Advisory Council) and, at a future date, instituting the procedures to abolish the statutory status of the Committee of University Principals, Committee of Technikon Principals, and the Matriculation Board. Moving forward, the CHEs' functions would be as follows:

- Advising the minister of Higher Education at his or her request, or proactively, on all policy matters related to higher education;
- Assuming responsibility for quality assurance and promotion within higher education and training, including programme accreditation, institutional audits, programme evaluation, quality promotion and capacity building;
- Monitoring and evaluating whether, how, to what extent and with what consequences the vision, policy goals and objectives for higher education are being realised, including reporting on the state of South African higher education; and

- Contributing to the development of higher education by taking initiatives to provide guidance on key national and systemic issues, producing publications, holding conferences, and conducting research to inform government and stakeholders about immediate and long-term challenges to higher education.

That the tensions between the state and the HEIs are still a matter of concern is made evident by the proposed changes to the laws governing tertiary institutions by some opposition parties. This would further erode the autonomy of HEIs. While the minister of Higher Education vehemently denies that the intentions of the changes to the laws governing tertiary education are to erode the autonomy of these institutions, the minister also adds that universities have abused their autonomy to delay transformation (BD Live, 2015). Below figure 3.3 illustrates the internal governance structure of UWC.

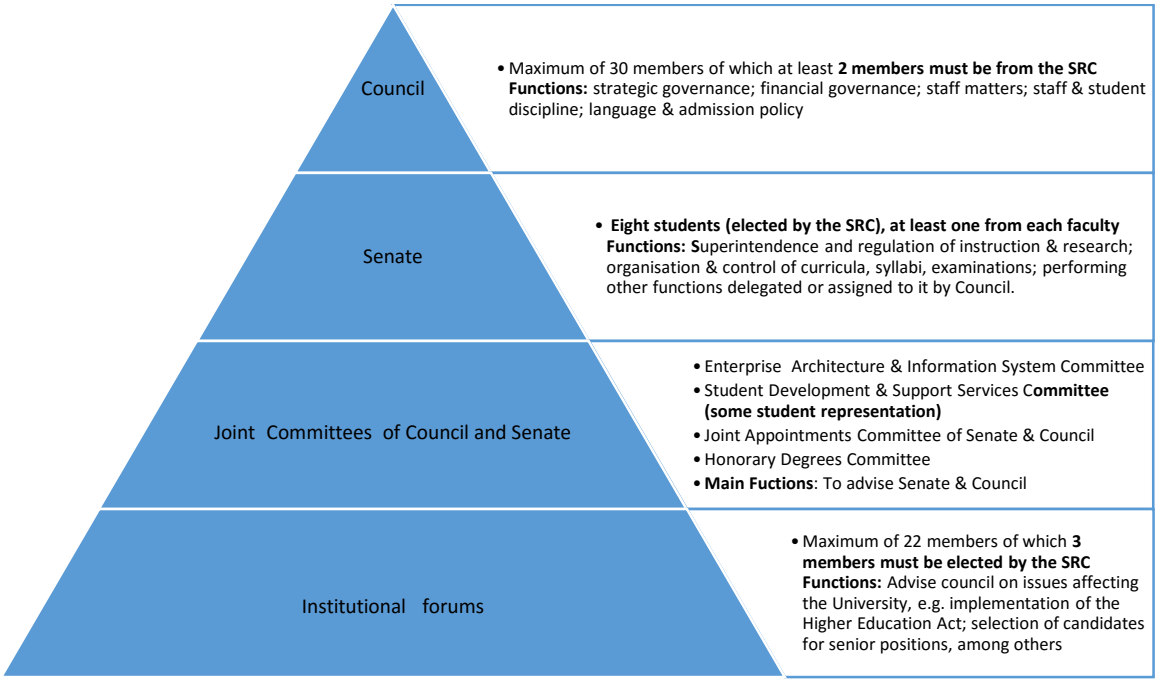

Figure 3.3: The governance structure of the University of the Western Cape, 2016

Source: info@uwc.ac.za. Adapted by researcher.

3.3.3 The role of the Student Representative Council

The White Paper on Higher Education (1997) which has subsequently been assented to, confronts the issue of how South African Higher Education institutions are responding to the challenges of institutional transformation to deepen democracy and strengthen institutional management. The White Paper (1997) further highlights the value of cooperative governance

and calls on higher education managers to involve student leaders in decisions affecting the daily activities of institutions and students. This, says Cele and Koen (2003), is expected to follow democratic practices for electing representatives to represent student perspectives in institutional forums, senates, councils and other university structures. SRCs now play a greater formal role in institutional policy affairs through their participation in academic and institutional forums, which are premised on the notion of stakeholder participation. This gives SRCs an institutional voice and makes them co-responsible for decisions affecting their constituency and transforming institutions (Cele & Koen, 2003). Furthermore, it is argued that there have been attempts during 1996 to further consolidate the SRCs across universities, colleges and technikons through the formation of such organisations as: South African Colleges Students Association (SACSA); South African Technikon Students Union (SACTU) and South African Universities SRCs (SAUSRC). The aim of these bodies would be to lobby the Education Ministry and national government around issues that affect students. But what is significant is the noticeable shift evident in the founding documents of these organisations – from organisations seen as vehicles of defiance to organisations serving as catalysts in the transformation of the education system, by contributing to policy formulation, monitoring the implementation of new legislation, and promoting education transformation (South African Students Federation Steering Committee, 2000, in Cele & Koen, 2003)

According to Koen, Cele and Libhaber (2006), formalising student involvement in institutional governance stems from government initiatives eight years ago to make student participation in institutional governance official. This, according to Luescher (2005, in Koen et al., 2006) has its roots in previous political struggles. The promulgation of the Higher Education Act, No. 101 of 1997 sought to create a more democratic and participatory higher education system, which previously, after decades of exclusionary practices which saw black students being excluded from decision making in institutions of higher learning, now gave formal recognition to SRCs at universities (Koen et al., 2006). The Higher Education Act also made provision for elected student leaders with seats in the highest decision-making body on strategic issues (i.e. Council), the highest academic body (Senate), and the highest advisory body (Institutional Forum) (Koen et al., 2006). However what is significant to this study is that while the Higher Education Act supposedly created more participatory decision-making mechanisms at the higher education institutional level, the Act stipulates that students should act in the interest

of the institution when participating in governance structures, and not act as mandate-carrying representatives from student organisations (Ncayiyana & Hayward, 1999, in Koen et al., 2006). According to Koen et al. (2006), a further consequence of the Higher Education Act was that if voting were necessary to create agreement, students would have to form alliances with other stakeholders and acquire further votes from higher education managers to secure their preference, and fundamentally the Higher Education Act only succeeded in promoting 'constructive engagement' between higher education management and student leaders but did not lessen the authority or power which was in the hands of higher education managers prior to the implementation of this act. Koen et al. (2006) further identifies three factors which underpinned the notion of HEIs of democratising decision-making processes, namely:

- The cascading effect of the corporatist arrangements that characterised South Africa post-1994 created a framework within which former political opponents had now to cooperate with each other;
- The appointment of higher education managers via the minister of Education and the legitimacy of the ruling party among student leaders further consolidated the role of higher education managers and the new complementary role which student leaders had to play in legitimising the educational policies of the government;
- The inclusion of student leaders within the decision-making structures of HEIs, such as their involvement in committees dealing with academic development, student fees, financial exclusions, academic exclusions, appointing senior executives, equity committees, etc., was viewed by higher education management as a necessary measure to try and 'professionalise' student actions by channelling them through these various committees and in so doing also minimising the occurrence of protest action and conflict, while still promoting democracy.

However, while this compromise which involved the inclusion of the SRC in formal decision-making processes appeared to be to the advantage of higher education management and students, the downside for SRCs was that by being part of the decision-making processes, the SRC could no longer claim that a decision was purely a management decision, and the possibility of having to defend decisions which were perhaps strongly influenced by management to the student community saw the SRCs migrating away from the tried-and-

tested means of dissent and mass protest because the ANC government and HEIs desired stable academic processes (Koen et al., 2006) .

Mchunu (2012) offers the following broad model, the MPPM, seen in Table 3.4, in which public participation can be theorised and analysed:

Table 3.4 The Mchunu Public Participation Model

Levels of participation	Types	Characteristics
Public power	Public control	The public is in a position to influence, direct, control and own development and decision-making processes.
	Delegated power	Decisions are taken through negotiations between the public and authorities. The public has a majority stake and has delegated authority.
	Partnership	Decisions are no longer taken unilaterally but the public and authorities have equal decision-making power.
Protest power	Protest	The public is frustrated with 'tokenism' and, as a last resort, peaceful protests are staged to demand authentic and empowering public participation.
		The public mobilise to demand the right to influence, direct, control and own development and decision-making processes.
		If all else fails, the public resort to violent protest action to draw the attention of authorities to its plight.
Tokenism	Placation	Public demands are ignored and the public is beginning to have some little influence. Members of the public are handicapped and co-opted to serve on committees, but the authorities still retain the power to make final decisions.
	Consultation	The public is given an opportunity to give input in decisions, but there is no guarantee that their input will be incorporated into final decisions. The public input is used to legitimise decisions that have already been taken.

Levels of participation	Types	Characteristics
	Informing	The public is informed about development that is taking place in its locality. This emphasises a one way flow of information with no mechanisms or channels for feedback. This level can be equated to 'window dressing'
Non-participation	Therapy	The public is used to mask therapy as public participation; it is dishonest and arrogant.
	Manipulation	The members of the public are co-opted to serve on Ward Committees but are used to rubber-stamp Council decisions. Participation is used as pretence since the public is unable to influence, direct, control and own decision-making processes.

Source: Mchunu (2012)

While Mchunu's (2012) model focuses primarily on public participation within the broader community, as has been argued in the previous sections, universities are a microcosm of the broader society within which they find themselves and, as such, can also be subject to similar scenarios as has been depicted in the MPPM. Cele, Luescher and Barnes (2015, in Luescher, Klemenčič & Jowi, 2016: 182–199) also provides a model, depicted in Figure 3.5, through which student participation can be analysed and theorised about.

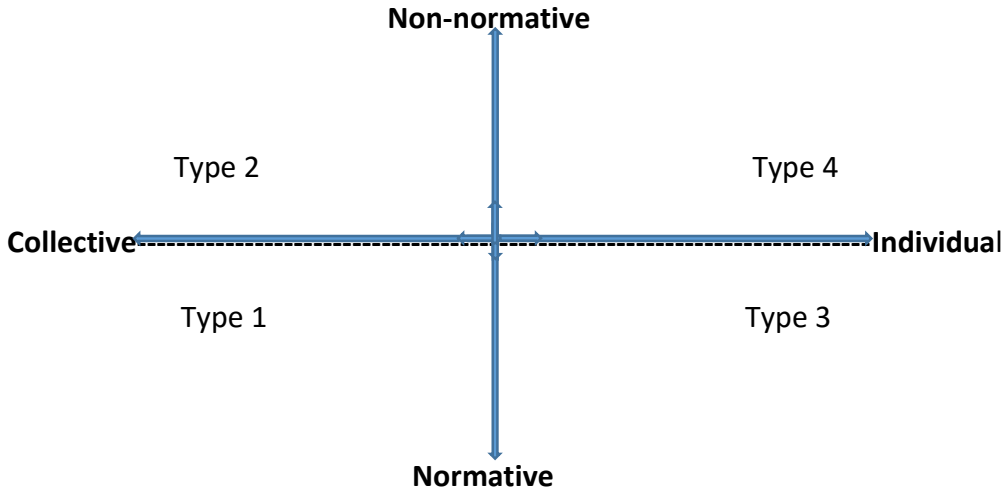

Figure 3.6: Matrix of student action

Source: Luescher et al. (2016: 183)

According to Cele (2015, in Luescher et al., 2016: 182–199), the horizontal continuum in Figure 3.6 relates to the range of forms that student action takes within HEIs. Furthermore,

Cele (2015, in Luescher et al., 2016: 182–199) describes the extremes of this continuum as collective student action and individual student action, with collective student action depending on the cohesive power of the student body as an organised force, the relationship between the student body, and the student leadership and common concerns or objectives, while individual student action is about individual students pursuing their self-interest individually, rather than collectively with other students. The vertical continuum in Figure 3.6, according to Cele (2015, in Luescher et al., 2016: 182–199), involves an interpretation of the content of student actions in terms of whether or not such actions follow the prescribed norms of the system. The two extremes of the vertical continuum are normative and non-normative, where normative student action takes place within the prescribed norms, for example in 'formal governance' (Luescher, 2005: 2) or 'ordinary governance processes' (Pabian & Minková, 2011: 262, in Luescher et al., 2016: 182–199), and non-normative student actions occur outside the prescribed norms of the higher education system, for example student activism or 'informal governance' Luescher (2005: 2) or 'extraordinary governance processes' (Pabian & Minsova, 2011: 262, in Luescher et al., 2016: 182–199). Cele (2015, in Luescher et al., (2016: 182–199) further contends that because the relationship within and between the two continuums are complex and are often characterised by interrelatedness and interdependency, on the one hand, and diversity of purpose and outcomes on the other hand, it presents a possibility to construct four ideal types of student actions, namely:

- Type 1: Collective normative student action;
- Type 2 Collective non-normative student action;
- Type 3 Individual normative student action; and
- Type 4 Individual non-normative student action.

However, Mchunu (2015) and Cele (2015, in Luescher et al., 2016: 182–199), in their theoretical models and analysis, both ignore the political interaction that takes place between students and political parties both on the SRC level and at a community level of whom the students, as has been argued, form a distinct part. It is therefore crucial that any analysis of student action has to take into consideration the political interaction which impacts on student action, as is represented in Figure 3.7 below.

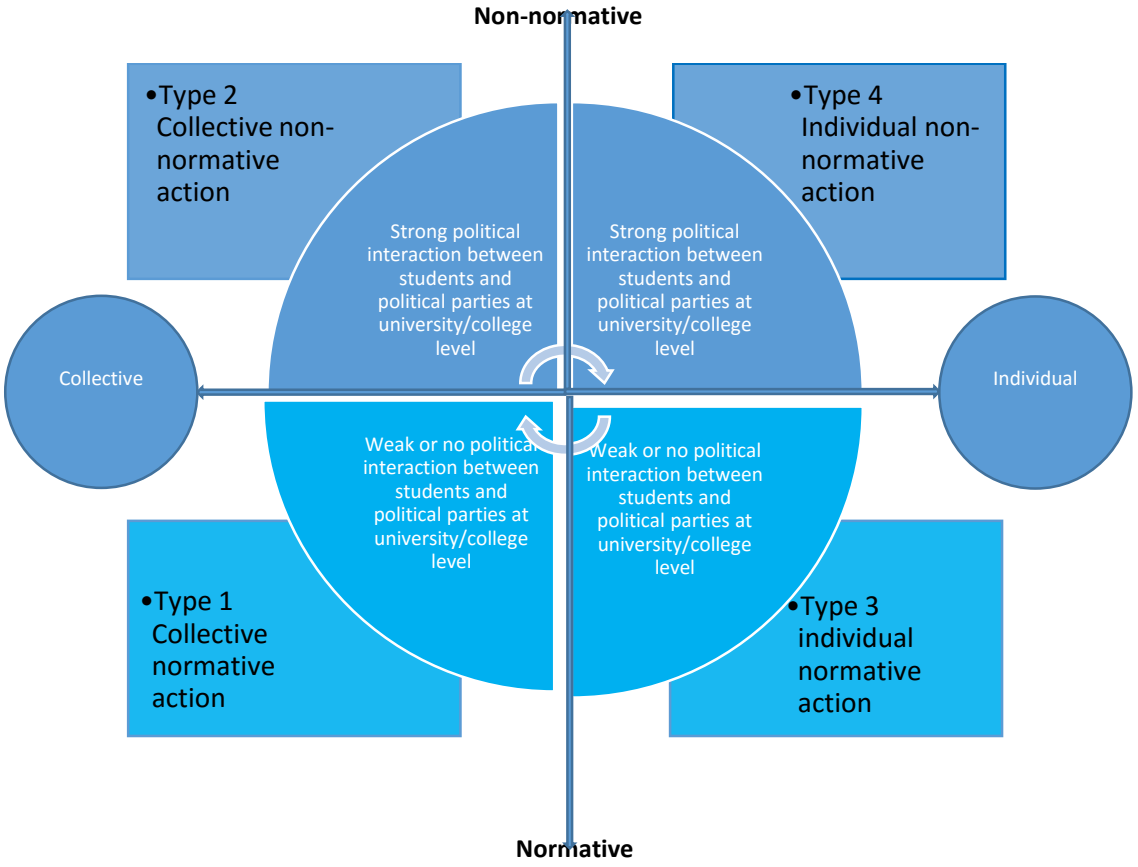

Figure 3.7 The student action / Political interaction matrix

Source: Luescher (2016). Adapted by researcher.

Figure 3.7 above illustrates that where there is strong political interaction between political parties, student representitives and individual students it can result in non-normative action both on the individual and collective levels. Where there is weak political interaction, it will lead to normative collective or individual action.

3.3.4 Participation: The new tyranny and some broader perspectives

Hicks and Mohan (2004: 59) contend that the absence of a coherent theory of participation that seeks to explain and articulate the role of agency within development processes closely informs the limitations of the participatory movements, and helps to explain the ideological malleability that has beset participation in practice.

Cooke and Kothari (2004: 13) pose the question: Is participatory development inevitably tyrannical? These authors argue that the tyrannical nature of participatory development is a

systemic problem and that it is concealed in acts and processes such as sharing of knowledge and negotiating power relations.

Dorsner (2004: 366–382) contends that while the term participation was a fashionable word in development practice in the 1990s, particularly for governments to secure international funding for projects, which among other concerns was to eradicate poverty, development discourse during this period emphasised the role of the state and international agencies in delivering development to the people. The failure to eradicate poverty led to this paradigm being challenged.

Quick and Feldman (2011: 271–272) make an insightful distinction between participation and inclusion. According to Quick and Feldman (2011: 271–272), participation and inclusion are independent dimensions of public engagement and the conflicts regarding the utility of public engagement are frequently the result of conflating what are two independent dimensions of public engagement. These authors define inclusion practices as "efforts which entail continuously creating a community involved in coproduction processes, policies, and programmes for defining and addressing public issues" and participation practices are defined as "efforts to increase public input orientated primarily to the content of programs and policies". Quick and Feldman (2011: 271–272) are of the view that distinguishing participation from inclusion illuminates the implications of different practices of public engagement for the capacities of the communities to make decisions and implement programmes. Furthermore, says Quick and Feldman (2011: 271–272) conflation of participation and inclusion under the overarching category of "public engagement" or simply "participation" muddles both the practice and theory of organising democratic engagement, and while public participation is often a mandated part of decision making, it can exacerbate tensions between government organisations and members of the public. Public bodies may go to great lengths to create forums for the public to provide input on policy choices, only to have the public decline to take part because they do not feel their participation will make a difference, or protest after having participated because discussions were perceived to be inauthentic or unsatisfactory (Quick & Feldman 2011: 271–272).

Cornwall (2004) also explores this notion of the dynamics of spaces for participation which are created by government to extend opportunities for citizen participation in governance. The notion is inspired and underpinned by the view that to do so makes for better citizens

and better government. However, Cornwall (2007) points out that, while much is expected from these arenas of participation, the precondition – as with other participatory institutionalisation – is the dynamic of equitable participation and how to involve those adequately who perhaps previously have not been exposed to such participatory mechanisms, in order to provide them with an equitable voice and presence . According to Cornwall (2007), "invited spaces" have in some cases been transplanted onto institutional landscapes in which entrenched relations of dependency, fear and dispriviledge undermine the possibility of the kind of deliberative decision making they purport to foster. Mahmud (in Cornwall, 2007) refers to the possibility of a combination of factors which together conspire to limit the possibilities for "ordinary people" to participate in these new institutions. Among the limited responsibilities given to participants within these institutions is the responsibility to change the behaviour of those whom they represent to conform to the status quo, rather than holding the institution to account combined with the limited knowledge or information these participants have or understanding of how the institution functions.

Therefore, closely linked to the debate on the tyrannical nature of public participation, is the link between participation and protest and why public participation is important and the role of "invited" or "invented" spaces for public participation.According to Atkinson (2007) in Brown (2015:17) there is a link between protest and the failure of either 'participatory democracy' or 'developmental local government' and suggests that there is a connection between the failures of public figures, whom are critical in representative forms of governance, to respond to participatory forms of engagement. Furthermore, this failure of public figures to respond adequately to public forms of engagement leads to the increasing occurrence of public protests (Atkinson 2007 in Brown 2015: 17). This phenomenon is also supported by a study conducted by Mchunu (2012) in which he argues that public participation takes place on various levels from 'public power' to 'non-participation'. When the public become frustrated with 'invited' spaces for engagement and participation is perceived to be at the level of placation, the public will mobilise to demand the right to influence, direct, control their own development and decision-making processes through 'invented' spaces, and if all else fails, the public will resort to violent protest action as a means to participate meaningfully in decisions to draw the attention of authorities to their plight (Mchunu 2012). Bessel (2015: 129) also suggests that democratic regimes, on average,

harbour less collective violence than undemocratic regimes which lends credence to the notion of genuine public participation in decisions that affect them.

3.4 Chapter summary

Chapter three attempts to place universities in the context of a community receiving services from its local government and as such having to participate in governance and decision-making structures at a local level, viewed both from an international and national perspective.

What does become evident both internationally and nationally is that student representation, and therefore participation, is generally skewed in favour of university management and is often vague. In other words, if each member of, for example, council or senate represents a vote, and if SRC members were dependent entirely on their votes per se, it is unlikely that SRCs would substantially be able to influence a decision in their favour, even if all SRC members voted the same.

Chapter three also presented some theoretical citizen/student participatory models, with an adapted presentation of a student participatory model which takes into consideration the political interaction of students with political parties. Chapter three also considers the role players or stakeholders within the higher education landscape, specifically with regard to university governance structures. There is also some evidence that gives credence to Quick and Feldman's (2011: 271–272) notion that where there is a conflation of participation and inclusion under the overarching category of 'public engagement', the public or students would, even after participating in formal participatory mechanisms, turn to protest as a means to engage university management or government.

Universities and the management or governance of these structures do not take place within a vacuum. Chapter four attempts to identify those pieces of legislation and institutional arrangements which regulate both the internal and external environments and student–university management relations of institutions of higher learning, both formal and informal. The role these various pieces of legislation and the institutions themselves play in the governance of higher education is scrutinised.

CHAPTER FOUR

THE LEGISLATIVE MILIEU WITHIN WHICH INSTITUTIONS OF HIGHER LEARNING OPERATE: THE INTERNAL AND EXTERNAL LEGISLATIVE MILIEU

4.1 Introduction

As is depicted in Figure 1.1, the higher education internal/external policy environments impact on how universities function, both internally within existing participatory mechanisms and externally when local university issues become national issues, and how these issues are dealt with within existing external participatory mechanisms. The purpose of this chapter is therefore to identify and/or highlight those pieces of legislation and regulations which regulate student–university management relations on a micro level, and could be considered normative, such as meetings of council and senate, as well as those pieces of legislation and regulations which regulate student–university management relations on a micro level which could be considered non-normative such as protests. Furthermore, this chapter identifies those pieces of legislation which regulate student–national government relations which could be considered to be the external environment, therefore outside university campuses both on the normative and non-normative levels.

4.2 The role of the Department of Higher Education and Training in the Branch University Education: The internal environment

The higher education of South African citizens falls under the auspices of the DHET. The Higher Education Act, No. 101 of 1997 was assented to on 26 November 1997. The Branch University Education resides under this Act. Since the Act has been assented to, a number of amendments have been effected, but the overall aim of the Act has been to regulate higher education; to provide for the establishment, composition and functions of a CHE; to provide for the establishment, governance, and funding of public HEIs; to provide for the appointment and functions of an independent assessor; to provide for the registration of private HEIs; to provide quality assurance and quality promotion in higher education; to provide for transitional arrangements and the repeal of certain laws; and to provide for matters connected herewith.

Of significance to this particular study is section 28(2) of the Higher Education Act no.101 of 1997, which reads as follows:

> The Senate of Public Higher Education Institutions must consist of –
>
> a) The Principal
> b) The Vice-principal or Vice-principals
> c) Academic employees of Higher Education Institutions
> d) Employees of Higher Education Institutions other than academic employees
> e) Members of Council
> f) Members of the SRC
> g) Such additional persons as may be determined by the Institutional Statute

Section 3 of the Higher Education Act, no.101 of 1997 stipulates:

> The number of persons contemplated in subsection 2 (b), (c), (d), (e), (f) and (g) and the manner in which they are appointed or elected, as the case may be, must be determined by the Institutional Statute, subsection 9 of Act 23 of 2001

Section 3(1) of the Higher Education Act, no.101 of 1997 stipulates the creation of an Institutional Forum, which must perform the following functions:

a) Advise the Council on issues affecting the institution, including –
   (i) Implementation of the Act, (Act no. 101 of 1997) and the policy on Higher Education;
   (ii) Race and gender policies;
   (iii) The selection of candidates for senior management positions;
   (iv) Codes of conduct, mediation and dispute resolution procedures; and
   (v) The fostering of an institutional culture which promotes tolerance and respect for fundamental human rights and creates an appropriate environment for teaching, research and learning; and
b) Perform such functions as determined by council.

Further, section 3(2) of the Higher Education Act, no.101 of 1997stipulates that the Institutional Forum of a public higher education institution must consist of:

> a) The management as determined by the Institutional Statute, section 11 of Act 23 of 2001;
> b) The council;

c) The Senate;
d) The academic employees;
e) The employees other than academic employees;
f) The students; and
g) Any other category determined by the Institutional Statute, section 8 of Act 63 of 2002; and

(3) The number of persons contemplated in subsection 3(2) and the manner in which they are appointed or elected, as the case may be, are determined by the Institutional Statute, section 11 of Act 23 of 2001.

Section 32 of the Act: the Institutional Statute and Institutional Rules

(2) An institutional statute or institutional rule in connection with –
(a) The composition of the Senate may not be amended or repealed except after consultation with such Senate;
(b) The composition of the SRC may not be amended or repealed except after consultation with such students' representative council

Section 35: SRCs, the establishment and composition, manner of election, term of office, functions and privileges of SRCs of a public higher education institution must be determined by the Institutional Statute and Institutional Rules, section 13 of Act 23 of 2001.

Funds of national institutions for higher education: Section 38G

(1) The funds of a national institute for higher education consist of:
(a) Money appropriated by parliament;
(b) Donations and contributions;
(c) Interest; and
(d) Any other income received.

(2) The Board:
(a) Must keep a record of all –
(i) Funds received and spent;
(ii) Assets and liabilities; and
(iii) Financial transactions.
(b) Must in each financial year submit to the Minister, at a time and in a manner which the Minister may determine, a statement of estimated income and expenditure for the ensuing financial year for the Minister's approval granted with the concurrence of the Minister of Finance;

(c) May in a financial year submit an adjusted statement of its estimated income and expenditure to the Minister for approval granted with the concurrence of the Minister of finance;

(d) May not incur any expenses which exceed the total amount approved in terms of paragraph (b) and (c).

Funding of public higher institutions: Section 39: The allocation of funds by the minister for Higher Education

(1) The Minister must, after consulting the CHE and with the concurrence of the Minister of finance, determine the policy on the funding of public higher education, which must include appropriate measures for the redress of past inequalities and publish such policy by notice in the gazette.

(2) The Minister must, subject to the policy determined, in terms of subsection (1), allocate public funds to public higher education on a fair and transparent basis.

(3) The Minister may, subject to the policy determined in terms of subsection (1), impose –

(a) Any reasonable condition in respect of an allocation contemplated in subsection (2); and

(b) Different conditions in respect of different public higher education institutions, different instructional programmes or different allocations if there is a reasonable basis for such differentiation.

(4) The policy referred to in subsection(1) may discriminate in a fair manner between students who are not citizens or holders of permanent residence of the Republic and students who are citizens or holders of permanent residence in the Republic.

Of relevance to this study is the overall intention of the Higher Education Act, No. 101 of 1997, which holds university management accountable for funds allocated to it by parliament and how the funds are disbursed, but does not regulate how much funding it should receive, particularly from the main source, being treasury. In particular, section 38G of the Higher Education Act, No. 101 of 1997 prescribes the sources of university funding, and section 39 of the Higher Education Act, No. 101 of 1997 prescribes that the minister of Higher Education may consult the CHE and, in concurrence the minister of Finance, determine the funding policy for higher education. This scenario is particularly pertinent, seen in the light of the current impasse between students, university management and national government. The impasse saw formal participatory mechanisms break down on the issue of free education,

compounded by the statements by the president of South Africa in October 2015 that there would be 0% increase in fees for the 2016 financial year (Areff, 2015). This announcement temporarily seemed to appease students, but placed university management under financial pressure and created expectations from students for the beginning of free higher education in 2017. In 2016 the university students once again applied pressure on university management for free education. A breakdown was witnessed in formal participatory mechanisms at university level, with the president announcing a Presidential Commission to investigate the feasibility of free education, but which would only have a final answer in June 2017. This resulted in an announcement by the minister of Higher Education that universities can set their own fee increase for 2017, but to a maximum of 8% (Masondo, 2016). This then was the unravelling of all formal participatory mechanisms and the closure of most universities, and even the student assembly. This would have been an opportunity for broader student participation, planned by Wits University for 7 October 2016, to discuss student fees and the way forward, but the meeting was called off by the vice-chancellor owing to concerns about student safety, among other issues (News24wire 2016). Given the aforementioned scenario, it does become evident that the external policy environment has serious implications for the way universities are managed and the participatory governance structures within. Consequently, universities – while they might have some internal autonomy about what research is done and what is taught – are still controlled by an external mechanism, namely the Higher Education Act, No. 101 of 1997. However, it is also critical what happens once students move outside of the university campus, and take to the streets. In this regard, the following pieces of legislation are of relevance to this study:

4.3 Legal framework: External enviroment

4.3.1 The Constitution of South Africa (1996)

Section 16(1): Everybody has the right to freedom of expression which includes:

(a) Freedom of the press and other media;
(b) Freedom to impart information;
(c) Freedom to artistic creativity; and
(d) Academic freedom of scientific research

Section 16(2): The rights in subsection (1) do not extend to:

(a) Propaganda and war;

(b) Incitement of imminent violence; or

(c) Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement harm.

Section 17:

> Everybody has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Section 18:

> Everybody has the right to freedom of association

4.3.2 The Regulations of Gatherings Act, No. 205 of 1993

This act has the broad purpose of regulating the holding of public gatherings and demonstrations at certain places and to provide for matters connected herewith. This act is not a mechanism to seek permission to gather. Therefore, when students wish to protest or demonstrate outside university campuses, the relevant local authorities and police must be advised, and it is under this specific piece of legislation that protestors in general and university students in particular are arrested and charged for participating in illegal gatherings

4.3.3 The Trespass Act, No. 6 of 1959, as amended by the Criminal Law Amendment Act, No. 59 of 1983 and Extension of Tenure Act, No. 62 of 1997

Broadly, the purpose of this act and the subsequent amendments is to prohibit the entry or presence upon land and the entry or presence in a building under certain circumstances. It is under this piece of legislation that university management seeks to deny university students, particularly protesting students, from gaining access to university premises and blocking university entrances, through a court interdict.

4.3.4 The Intimidation Act, No. 72 of 1982

Broadly, this act seeks to offer a remedy to a person or persons, based on their perception that their life or lives are being threatened by the utterances of words or actions or by a third party.

4.3.5 The Dangerous Weapons Act, No. 15 of 2013

Broadly, this act has the intention to forbid and to criminalise the possession of dangerous weapons. If found guilty, persons are punishable by a fine or imprisonment for a period of up to three years. This Act has the direct intention to outlaw the carrying of weapons, traditional or otherwise, by protesters (Netswera & Kgalane, 2013).

4.4 Chapter summary

This chapter sought to highlight those pieces of legislation which impact on and regulate the internal environment of the university and its governance structures, perhaps not intentionally, but as an indirect consequence of the wording of the legislation. University management finds it difficult to deal with situations which do not fall within the ambit of the legislation, for example where protesting students do not trust a duly elected SRC and university management is expected to negotiate with student groupings outside the formal mechanisms which are given recognition by university statutes. While the Higher Education Act, No. 101 of 1997 prescribes that university management has financial accountability to the minister of Higher Education, universities are expected to exercise financial prudence within decreasing government funding and increasing student numbers, while still having to keep university fee increases within limits set by the minister of Higher Education. Other pieces of legislation, such as the Regulation of Gatherings Act, No. 205 of 1993 and the Trespass Act, No. 6 of 1959, as amended by the Criminal Law Amendment Act, No. 59 of 1983 and Extension of Tenure Act, No. 62 of 1993, while not directly having an impact on the external environment of the university, nevertheless criminalises student protests both inside and outside university campuses and sets students and university management, through the law, on opposing sides of common issues such as student fees. As mentioned in previous chapters, the FMF movement is not the main focus of this study, but should be viewed as a reference point or consequence of the breakdown of formal participatory mechanisms at university level, leading to a national problem. The current student–management impasse could be considered to be a symptom of the inadequacy of current participatory mechanisms. The following chapter unpacks the views and opinions of students, SRC members and university management members of but one South African university concerning the current participatory mechanisms against the backdrop of the FMF movement.

CHAPTER FIVE

ANALYSIS OF EMPIRICAL RESEARCH AT THE UNIVERSITY OF THE WESTERN CAPE AND PRESENTATION OF RESEARCH FINDINGS

5.1 Introduction

Among the objectives of this research project was, firstly, the determination of whether existing participatory mechanisms which are available to students, SRC, and management in university governance, specifically at UWC, were considered to be adequate by all the stakeholders. Secondly, the objective was to determine whether students, who are considered to be the most important users, stakeholders or 'customers' of these participatory mechanisms, exhaust these formal mechanisms before embarking on protest action, which is viewed by university management and national government as illegitimate. The research was conducted against the backdrop of the on-going FMF campaign, and while the FMF campaign is not the main focus of the research project, it is an important reference point when an extreme form of public participation in public policy-making is considered. Therefore protest action, and specifically violent protest action, in the context of this research project is considered as an extreme form of public participation in public policy formulation, implementation and transformation. The researcher therefore argues that public participation in policy making, and consequently in governance participatory mechanisms, specifically at institutions of higher learning, can be considered as collective student action. Such action mobilises on a continuum of collective action from what is to be considered normative collective student action, i.e. the use of SRC structures and various student bodies to engage with university management at formal Council and Senate meetings, to non-normative collective student action in which students engage university management through various levels of protest action ranging from peaceful protests, marches, demonstrations to extremely violent life-threatening, destructive collective student action. To this end, the empirical research conducted by the researcher at UWC is a 'snap-shot' of events which took place at UWC between October 2015 and September 2016, against the backdrop of the FMF campaign, but equally important in the context of public participatory mechanisms and specifically university governance structures.

According to Babbie and Mouton (2001: 80–81), explorative research is appropriate for more persistent phenomena, such as protests, and is generally qualitative in nature. It is in this vein that structured interviews of an explorative nature, using a qualitative research tool (see Annexure A) and conducted with 37 respondents, which included 25 students across all faculties, six members of the SRC and six members of the university management/staff component. The results of the interviews are discussed below, guided by the following themes and sub-themes, namely:

5.2 Analysis and representation of findings of empirical research

Theme 1: UWC participatory mechanisms

- Sub-theme 1.1 Are current participatory mechanisms at UWC adequate?
- Sub-theme 1.2 Were all formal participatory mechanisms exhausted before embarking on protest action?
- Sub-theme 1.3 The reasons for peaceful protests becoming violent.
- Sub-theme 1.4 Can current participatory mechanisms at UWC be improved?
- Sub-theme 1.5 Including other issues with the FMF campaign was justified
- Sub-theme 1.6 Does the broader community have an impact on issues at institutions of higher learning?

Theme 2: The future of free higher education

- Sub-theme 2.1 The feasibility of free higher education
- Sub-theme 2.2 The best way forward on the issue of free higher education

Theme 3: The autonomy of HEIs

5.2.1 Sub-theme 1.1: Are current participatory mechanisms adequate?

5.2.1.1 Students

Fifteen (60%) of students interviewed were of the opinion that current participatory mechanisms were not adequate. Their reasons included:

- Communication between students, SRC and management needed to improve because of poor communication. Students issues were not dealt with timeously and, if they

were being dealt with, students were not informed as to how these issues were being dealt with, and answers were vague;

- Current participatory mechanisms did not consider all opinions of students;
- The organisation of communication processes needed to improve; and
- Current participatory mechanisms tended to favour management to the disadvantage of students and SRC.

Ten (40%) of students interviewed were of the opinion that current participatory mechanisms were adequate. Their reasons included:

- Participatory mechanisms were effective and students should read their emails;
- There were student bodies which had created platforms for students to participate, which were sufficient; and
- There is always room for improvement.

Six (50%) of SRC members interviewed were of the opinion that current participatory mechanisms were not adequate. Their reasons included:

- The SRC was not represented on many of the committees and subcommittees, e.g. the finance committee;
- There should be a more direct interaction between university management and students and these mechanisms should be created;
- Management in the context of current mechanisms did not really listen to the SRC; and
- Funding was a problem for SRC office bearers, and their development as SRC members and students.

5.2.1.2 SRC members

Six (50%) of SRC members were of the opinion that participatory mechanisms were adequate. Their reasons included:

- The SRC had addressed student issues;
- Participatory mechanisms served adequately to unify students. However, SRC members did feel bullied by academics on various committees;
- SRC representation on various committees, more often than not, were inadequate to make any significant difference;

- The SRC was viewed as the bridge between students and management, which had been achieved;
- The SRC was completely involved in Council at all levels of engagement; and
- Students needed to be educated on the role of the SRC and, more specifically, on what the SRC could and could not do as the representatives of students.

5.2.1.3 Management/staff

Five (83%) of management/staff interviewed were of the opinion that current participatory mechanisms were adequate. Their reasons included:

- Mechanisms for student participation in university governance had been established according to existing statutes;
- SRCs were the legitimate voice of students, however the importance of the role that the SRC played was negated by student apathy;
- The SRC did have the opportunity to give management adequate notice of impending student protest action;
- While current participatory mechanisms were adequate, SRC members were generally unprepared and ill-equipped for meetings and their roles on various committees, and seemed to be "out of their depth" when it came to meeting with management on the various committees;
- Current participatory mechanisms were adequate, but SRC members needed more orientation, coaching, mentoring and time to adapt to their roles as student leaders, having to fulfil their obligations to their constituents and as students themselves;
- SRC and governance structures were relatively adequate and SRC members were elected through a democratic process;
- As a democratically elected body of members, the SRC was expected to take student issues to management; and
- The various student bodies had the opportunity to approach management directly with their issues.

5.2.2 Sub-theme 1.2: Were all formal participatory mechanisms exhausted before students embarked on protest action?

5.2.2.1 Students

Ten (40%) of students interviewed were of the opinion that all participatory mechanisms had been exhausted. Their reasons included:

- Even though students had worked through the SRC, they were not being heard by management;
- Students needs were not being considered;
- It was only through protesting that management listened and conceded;
- Through protesting, channels of communication were forced open;
- Students had learnt over time and through history that management/authorities respond to protest;
- While the protests were justified, the manner in which they manifested themselves was not justified; and
- The protest action was abused by those with malintent.

Fifteen (60%) of students were of the opinion that not all participatory mechanisms had been exhausted. Their reasons included:

- More appropriate negotiations between the SRC and management could have obviated the protests;
- The protests contradicted the cause of the students when property was damaged;
- The protests disrupted the academic programme;
- The protests were contradictory to the undertaking of the SRC who represented students at SRC/management meetings;
- Insufficient time between the demands and an appropriate response from management was allowed by the protesting students;
- Protesting students were asking for money which was not there; and
- Disputes should be dealt with in a civil manner. One student remarked: “Students seem to constantly remain unsatisfied and entitled hence the pending risk of another protest” Another student remarked: “I think in our generation and time people skip formalities and feel more effective using violence and protests.”

5.2.2.2 SRC

One (20%) of SRC members interviewed were of the opinion that all formal participatory mechanisms had been exhausted. The reasons included:

- All formal participatory mechanisms had been exhausted, but the violence was not justified.

Five (80%) of SRC members interviewed were of the opinion that not all participatory mechanisms had been exhausted. Their reasons included:

- The SRC as formal mechanism was not adequately utilised. The FMF campaign specifically was operating outside the SRC structures;
- Formal mechanisms were not fully exhausted; protestors went directly to strike action;
- Resorting to violence would not give the agreed or desired outcome; and
- Protests were not about student fees. Some students were unhappy about the outcome of the recent SRC elections, because on 20 October 2015 the new SRC had been in inaugurated, and by the afternoon of the same day, the FMF campaign broke out at UWC.

5.2.2.3 Management/staff

Two (34%) of the management/staff interviewed were of the opinion that all formal participatory mechanisms had been exhausted. Their reasons included:

- The call for free higher education was not a new call. The formal system was taking too long to heed the call for free higher education both nationally and at UWC; and
- Because the FMF campaign had been taken to the national level, UWC was now outside the negotiations.

Four (66%) of the management/staff interviewed were of the opinion that not all participatory mechanisms had been exhausted. Their reasons included:

- Protests were political. Given UWC's history, the protests should not have taken place at UWC, particularly in the form of protests;
- Protests were ideologically based, which led to an ideological argument versus a managerial argument as to how the FMF issue should be resolved.

- The FMF movement did not want to work through the SRC structures;
- People did not always agree. There were danger signs emanating from Wits and UCT, and the situation had been aggravated by the fact that the new SRC at UWC had just been inaugurated;
- The SRC as the legitimate student representatives should have been allowed time to do their work; and
- The election process could have been managed better.

5.2.3 Sub-theme 1.3: The reasons for peaceful protest turning violent

5.2.3.1 Students

Students purported that the following factors turn peaceful protests into violent protests:

- People have learnt over time that if you want something you can achieve it through violent protest;
- People believe, that in order to be taken seriously, they must resort to violence;
- Students become violent because peaceful protest does not work;
- Students believed that they were not being listen to and not being heard;
- Students often do not consider the consequences of their actions, and some were just being childish;
- Police were antagonising students;
- Some protestors were not students and therefore seemed to be more reckless and disruptive;
- The delayed announcement by the minister of Higher Education on the question of free higher education caused students to become violent and disruptive;
- University management did not want to cooperate with students;
- Police treated students like criminals by using rubber bullets and teargas, which resulted in more violence;
- Students have excessive autonomy;
- UWC management incorrectly read the initial peaceful protests by students; and
- The use of external security further antagonised students and made a bad situation more volatile.

The majority of students were of the opinion that students feeling that they were not being heard or taken seriously and poor communication between university management and students gave impetus to peaceful protests becoming violent. A smaller percentage of students believed that because violent protests in South Africa were a historical phenomenon and were the only way to get what they wanted, combined with the presence of armed security, led to peaceful protests turning violent.

5.2.3.2 SRC

The SRC purported the following reasons for peaceful protests turning violent:

- South Africa has a violent political history which has been passed down from one generation to the next;
- The attitude and arrogance of management;
- Government resistance. The answers given to students are not the answers they want;
- Ignorance on the part of stakeholders;
- Delay tactics on the part of management and government, e.g. DHET;
- The management of the university is indecisive. Students use this indecisiveness to get what they want;
- Lack of respect on the part of students and not following the correct protocols;
- The university should have a picketing policy which would prevent, for example, security from opening the university gates to students not from UWC, particularly during times of peaceful protests;
- The university should secure the perimeters of the university through adequate fencing particularly at times of protest.

5.2.3.3 Management

University management purported the following reasons for peaceful protests becoming violent:

- Where there is indecision, efforts to effect change will be attempted outside of democratic structures;
- Security provoked students;
- Depending on the situation, the use of an inappropriate negotiator to liaise with students could further fuel violent protest;

- It depends on the objectives and the mindset of the students. Students do not necessarily need to be antagonised in order for protests to become violent;
- The campus security is not trained and equipped to deal with protestors, even less so when protests resemble 'warfare';
- It is sometimes a tactical decision on the part of students;
- The manner in which institutions react to student issues by trying to create calm without looking at the substantive issues;
- People are angry, people expect more;
- Government is unresponsive; and
- There is too much political interference. Political parties use protests and politics.

5.2.4 Sub-theme 1.4: Can current participatory mechanisms at UWC be improved?

5.2.4.1 Students

Nineteen (76%) of students were of the opinion that current participatory mechanisms at UWC could be improved. Their reasons included:

- The SRC was always only most visible during elections;
- There should be a broader more frequent interaction between SRC and students which would result in student issues being relayed to university management more frequently;
- There should be more direct interaction between university management and students, which should improve student–management relations;
- Communication between students, SRC and management should be improved;
- There should be a greater degree of transparency between the three bodies, and intentions should be made explicit;
- Protocols to deal with a situation such as the FMF campaign should be in place;
- The use of electronic communication, such as emails, should be used more effectively;
- Communication from management should be more timeous;
- Faculty assemblies could be held with management and SRC, to improve the sense of community;
- The choice of peer facilitators, as well as the general management at faculty level, should be improved;

- Mass meetings need to be held with students and management;
- A mechanism should be put in place where management of the university has more direct control of student issues before they escalate;
- Government and university management should be more open and robust with regard to negotiations;
- Student leaders should be more open to listening to various options during negotiations;
- Current participatory mechanisms did not allow for a quick response from management; and
- The university should work on refining the inner mechanisms, e.g. administrative staff, as well as the procedures on campus, need to be more organised.

Six (24%) of students interviewed were of the opinion that current participatory mechanisms did not need to be improved. Their reasons included:

- The functionality between the three bodies was sufficient, but the relationship between the three bodies needed improvement;
- The participatory mechanisms were effective, but communication needed to improve;
- The university was running effectively, but students themselves needed to feel more proud and involved at UWC;
- Student surveys should be conducted on a regular basis to gauge student opinions; and
- Students, staff and management should use current mechanisms more effectively.

5.2.4.2 SRC

Six (100%) of SRC members interviewed were of the opinion that current participatory mechanisms could be improved. Their reasons included:

- Only a small percentage of students did not respect the current SRC, whom in all probability belonged to the opposition party on campus;
- Statutory regulation should make provision for broader student discussions;
- The size of student representation at Council level, for example, should be increased;
- A student parliament should be considered with proportional representation, instead of applying the current first-past-the-post principle, which should be revisited;

- Students should give recognition to the SRC;
- There should be a student assembly for the views of students, management and SRC, so that these parties can speak with one voice;
- Statutes should be revisited to give a bigger voice to students as the main stakeholders;
- There should be fewer management meetings and more student engagement so that students are made to feel that they do really matter; and
- Students, SRC and management should appear on one platform three to four times per year, which would make current mechanisms more accessible to students.

5.2.4.3 Management

Six (100%) of management/staff interviewed were of the opinion that current participatory mechanisms can be improved. Their reasons included:

- There should be a 'resurrection' of the SRC;
- There were too many student groupings. Students should work through the SRC;
- The SRC was on the highest decision-making body of the university, namely the Council. However, pro-political affiliations had an impact on the SRC;
- SRC members should have a longer term in office. One year was too short for SRC members to adjust to their dual roles of students and leaders of students with their commensurate responsibilities;
- Given the changing university environment within which management were expected to work, they should have some support initiatives;
- Perhaps through the use of e-platforms, the university would have better access to the body of knowledge of students who were not necessarily affiliated to any student entity;
- Greater accountability from elected leaders were needed through consultation with students which should run parallel with current participatory mechanisms; and
- Management could tap into the experience and expertise of staff who had many years of experience of student–university relations in general, and make use of expert staff as mediators in specific situations, such as protests.

5.2.5 Sub-theme 1.5: The collective/collaborative nature of protest action

5.2.5.1 Students

Eight (32%) of students interviewed were of the opinion that including other issues, e.g. in/outsourcing of staff, in the FMF campaign was justified. Their reasons included:

- It was necessary for the general staffing of the university.

Seventeen (68%) of students interviewed were of the opinion that including other issues with the FMF campaign were not justified. Their reasons included:

- Issues other than fees were irrelevant to the FMF campaign;
- Including other issues such as in/outsourcing only led to more damage being done to the university;
- The motive behind combining in/outsourcing of staff with the FMF campaign was to bring greater attention to the FMF campaign by increasing the number of protestors;
- By combining in/out sourcing of staff with the FMF campaign only succeeded in making the FMF campaign more obscure;
- Including the in/outsourcing of staff with the FMF campaign made the negotiations about the FMF campaign more complicated; and
- Including in/outsourcing of staff with the FMF campaign served to fuel the campaign.

5.2.5.2 SRC

Four (67%) of SRC members interviewed were of the opinion that including the issue of in/outsourcing with the FMF campaign was justified. Their reasons included:

- It was justified, but it turned the FMF campaign into a mockery because of the way it was handled;
- It brought all parties together, although it was not economically viable;
- It served to advance the struggle of workers through the mileage gained from the FMF campaign;
- There were complaints from workers before the FMF campaign;
- The approach of students seemed to indicate that they did not trust the SRC, and therefore felt it necessary to combine with the workers to speak with one voice.

Two (33%) of SRC members interviewed were of the opinion that including other issues such as in/outsourcing of staff with the FMF campaign was not justified. Their reasons included:

- The financial resources and the context are not the same at all universities, which is important; and
- The FMF campaigners were using the workers and staff for their own agenda. The cleaners however realised this.

5.2.5.3 Management

Three (50%) of management/staff interviewed were of the opinion that including other issues such as in/outsourcing of staff with the FMF campaign was justified. Their reasons included:

- Students are members of a community, some of their parents work at UWC as cleaners. The issue of unemployment and casualisation of labour is an issue which also affects students;
- While job security for staff is important, job security cannot be attained at the expense of the long-term survival of the university; and
- Poverty levels are very high. There is no excuse for poverty.

Three (50%) of management interviewed were of the opinion that including the in/outsourcing of staff with the FMF campaign was not justified. Their reasons include:

- Owing to the relatively small number of FMF campaigners, including other issues such as the in/outsourcing of staff was a tactical move to increase the number of protestors;
- The issue of in/outsourcing should have been dealt with as a labour issue. The issue of in/outsourcing of staff involved a third-party service provider; and
- By including the issue of in/outsourcing of staff with the FMF campaign, the spokesperson for the FMF campaign, which was a student issue, also became the spokesperson for the workers.

On the question of whether the broader community has an impact on issues at institutions of higher learning in general, and specifically on issues such as the FMF campaign, the following responses were received.

5.2.5.4 Students

Twenty-three (92%) of students interviewed were of the opinion that the broader community does have an impact on issues at institutions of higher learning. Their reasons included:

- Community involvement is encouraged by social media and current affairs;
- Issues today shared by the community include the issue of race, culture and poverty, which influence the students' mindset;
- Students' backgrounds , which are influenced by their communities, played a big role in their mindset;
- The financial status of people and students all stem from the communities to which they are exposed;
- Parents play a huge role in how protests evolved from student behaviour;
- Students' mindsets are a reflection of what issues are being faced daily at home and in society;
- Communities' mindsets are a large factor in how students conduct themselves on campus;
- Community lifestyle imposes itself greatly on students' outlook and decision making in institutions;
- Violence by students is picked up from what students hear in the community;
- Communities advise students on the way to go about protests;
- Education has been an ongoing issue since the fall of Apartheid;
- Issues of racism felt by communities are reflected in how students behave in institutions of learning; and
- Gatherings such as protests occur because of shared communal sentiments, similar backgrounds, grievances and struggles.

Two (8%) of students interviewed were of the opinion that the broader community does not impact on issues at institutions of higher learning. Their reasons included:

- Students 'rally' each other up; and
- Students have grievances which only they can relate to.

5.2.5.5 SRC

SRC member responses on the question of whether the broader community has an impact on issues at institutions of higher learning in general, and specifically on issues such as the FMF campaign, are as follows:

Five (83%) of SRC members interviewed were of the opinion that the broader community does have an impact on issues at institutions of higher learning. Their reasons included:

- While communities might have been unaware of the internal issues at UWC, they nonetheless supported the protestors and said they were fighting for a good cause;
- Many of the students live as tenants in the surrounding communities. If students cannot pay rent, they will be evicted;
- There is a need for support from communities, but student protests can also be 'hijacked' by the community;
- As students we are part of the community first. Communities and students rely on each other, particularly in the rural communities, including in the current context of UWC.

One (17%) of SRC members interviewed were of the opinion that the broader communities do not impact on issues at institutions of higher learning. Their reasons included:

- Communities do not have information about UWC; however, depending on the context of the protest, communities might have an impact. But issues such as financing are not a community concern.

5.2.5.6 Management/staff members

Management/staff members' responses on the question of whether the broader community has an impact on issues at institutions of higher learning are as follows:

Five (83%) of management/staff were of the opinion that the broader community does have an impact on issues at institutions of higher learning. Their reasons included:

- Areas surrounding the community do have similar economic issues;
- A large portion of students live in the surrounding communities;
- UWC as an institution does also have community outreach programmes;

- Communities do have a negative impact on the university when they are, for example, critical of the rector but without placing things in context, e.g. if students are arrested during a protest, community leaders would rise up against the university;
- It is difficult to separate the student from the community and it depends on the issues at stake;
- Students have actively sought support from the community, such as the meetings they had with the community in Bishop Lavis;
- Parents engaged with the university and visited the university during the protests; and
- The issue of university fees also became a national issue.

5.2.6 Sub-theme 2.1: The feasibility of free higher education

5.2.6.1 Students

Two (8%) of students interviewed were of the opinion that free higher education would be possible in the near future. Their reasons included:

- It would be possible if funds were managed better by government, combined with less corruption; and
- In the distant future it would be possible, but not now. We need to work on the economy.

Twenty-three or 92% of students interviewed were of the opinion that free higher education would not be possible in the near future. Their reasons included:

- The South African economy is not ready for free higher education, but free primary and secondary education can be worked on first;
- Free higher education would mean increased taxes, leading to an increased cost of living and lower quality of life;
- Free higher education would mean other public sectors/services would suffer;
- Government would not be able to create and successfully execute such a turnaround;
- Standards need to be maintained in higher education, therefore higher education cannot be free – it is too expensive;
- It would be an unfair tax burden and not all universities maintain the same standards and impose the same fees;
- Being a 'third world' country, funds would easily be mismanaged;

- Tertiary education is a privilege and not a right; and
- South Africa is highly dependent on foreign investment, so where would the funds come from?

5.2.6.2 SRC members

SRC members' responses on the question of whether free higher education will be possible in the near future are as follows:

Six (100%) of SRC members interviewed were of the opinion that free higher education will be possible in the near future. Their reasons included:

- It would be possible from the year 2020–2030, but would need mechanisms put in place, e.g. the education budget;
- Wastage of funds, etc. should be avoided;
- NSFAS needs new mechanisms to collect loans;
- We need the help of the private sector;
- We need to tax rich companies; and
- We need to tax the poor less.

5.2.6.3 Management/staff

Management/staff members' responses on the question of whether free higher education will be possible in the near future are as follows:

Five (83%) of management/staff interviewed were of the opinion that free higher education would be possible in the near future. Their reasons included:

- Universities should still work through NSFAS, but on a 'work-back' or 'pay-back' system, e.g. 10% of your salary once you start working;
- Free higher education is possible in the next 10–15 years;
- Those that can pay should pay based on a means test;
- Free higher education is possible in the next 20 years, but not in the short term;
- The poor and financially disadvantaged should be considered, but at sustainable levels;
- Free higher education should be achieved through collaboration and sharing;
- Not through more taxing;

- NSFAS should have a more centralised system with better mechanisms; and
- Academically qualifying and financially needy students only should receive free education.

5.2.7 Sub-theme 2.2: The best way forward on the issue of free higher education

5.2.7.1 Students

- South Africa should start with free primary and secondary education first;
- University fees should be increased annually, but at an affordable rate;
- UWC fees are reasonable, but universities such as UCT and SU should be more reasonable;
- Free higher education should be available for all, but 50% should be paid back once students start working;
- Sponsorship should be provided for deserving students when entering the university, with specific equirements to help those with financial difficulties;
- Student fees should be decreased annually by a small percentage, and not increased annually;
- Government priorities should change;
- Those who can afford it must pay. Those who cannot afford it must apply for bursaries and loans;
- Bursaries should be available for those with good marks;
- Students should accept that free higher education is not going to happen and they should study to gain funding themselves;
- Funding for financial assistance should be provided;
- A larger budget for higher education should be looked at as a start;
- Ongoing negotiations on free higher education is necessary;
- There should be more students in the scarce skills categories; and
- People need to work for higher education; higher education cannot be free.

5.2.7.2 SRC members

- DHET should come up with a funding model;
- The Presidential Commission on Higher Education must give feedback. If students are not satisfied, they should continue with protests;

- We should not be looking at feasibility studies, but at funding models;
- We need a national dialogue between government, students and the private sector; and
- The university could acquire farmland which could be used to grow produce which could be sold at a profit.

5.2.7.3 Management/staff

- Increase the tax base through job creation;
- A funding model should have been rolled out by now;
- Government needs to invest more in higher education;
- A differentiated fee system based on income;
- A model similar to that used in Canada which would suit South Africa;
- More involvement by corporates; and
- A pay-back scheme based on CPI via the current NSFAS system.

5.2.8 Theme 3: The autonomy of higher education institutions

On the question of whether students, SRC and management should have more input into, and autonomy in respect of, administration, management and financing of students at institutions of higher learning, the responses were as follows:

5.2.8.1 Students

Nine (36%) of students interviewed were of the opinion that students, SRC and management should have more autonomy. Their reasons included:

- Increased liaison between these parties might provide greater foresight in these issues;
- This could open a wider bracket for students who are deserving of higher education, but cannot afford it;
- If the three bodies were more involved in the running and administration of the university, they would have a better understanding and use available mechanisms better;
- All the parties should have an equal input in running the university;

- Students should be able to shed more light on various financial needs, and this might assist management in making decisions more effectively;
- An educated workforce is the country's future, so students and SRC should have more say in student education;
- This will help to avoid surprises to each of the three bodies and any misdemeanours;
- Consultation with all bodies in decisions such as financing and management will only increase a sense of pride in UWC; and
- Students should only have input on what concerns their needs, not where money matters are concerned.

Sixteen (64%) of students interviewed were of the opinion that students, SRC and management should not have more input in or autonomy in respect of the financing of students, and administration and management of the university. Their reasons included:

- Students and SRC should not have more autonomy, however, management should have more autonomy;
- Students and SRC do not have the 'know how' to manage a large-scale university;
- The students' job is to study;
- The functionality of the university could be jeopardised by the increased involvement of students and SRC's;
- Students and SRC first need to build a better relationship between themselves to be able to provide independent input;
- The current system is sufficient;
- Increased student and SRC input would lead to risks of mismanagement and further disputes;
- The SRC would dictate which students deserve funding bof the politics between students;
- Additional inputs from different bodies would only make things more complicated;
- Current autonomy is sufficient. Students must work through SRC to management;
- The university must be left to be managed by professionals in administration and finance, and their recommendations should be followed;
- The SRC can be more involved in representing students, but management must maintain control; and

- Students should follow policies crafted by government for the university to execute.

5.2.8.2 SRC members

Two (33%) of SRC members interviewed were of the opinion that students, SRC and management should have more input and autonomy. Their reasons included:

- University mechanisms should be more transparent;
- Universities should be more independent and better able to attend to student issues more timeously;
- UWC should have its own means test, but in conjunction with NSFAS, because the university is more in touch with the realities of students; and
- The approach should be balanced – with both university and the Department of Higher Education and Training having equal autonomy, but with management having less control than students and SRC.

Four (67%) of SRC members were of the opinion that students, SRC and management should not have more input and autonomy. Their reasons included:

- The university would become more digitised and corporatised which would not be good for students; and
- NSFAS should have more autonomy, but financial aid officers should have less autonomy, e.g. NSFAS should be able to override the decisions of financial aid officers in order not to exclude students financially.

5.2.8.3 Management/staff

Two (33%) of management/staff interviewed were of the opinion that SRC, students and management should have more input and autonomy. Their reasons included:

- Students should have more say, however students should be guided and mentored;
- Students are the primary stakeholders; and
- It would strengthen student governance and bodies nationally.

Four (67%) of staff/management interviewed were of the opinion that students, SRC and management should not have more input and autonomy. Their reasons included:

- Management has sufficient autonomy;

- University management should have less autonomy and a more generic approach to the issues of rising salaries of, for example, cleaners who earn the same as the university clerks;
- There should be more regulation;
- The current level of autonomy should be maintained, because it ensures accountability by the university to the DHET;
- Universities should have more autonomy in certain areas and DHET should have more autonomy in other areas; and
- Universities have too much autonomy, and should be more accountable to government.Below Table 4.1 highlights the the themes and sub-themes on which there is convergence, a midpoint, or a complete divergence of student, SRC and management opinion.

4.1: Table Convergence/Midpoint/Divergence of students', SRC and management opinions

Theme/Sub-themes	Students	SRC	Management
1.1 Are current participatory mechanisms adequate?	60% said yes	50% said yes	83% said yes
1.2 Were all participatory mechanisms exhausted?	60% said no	80% said no	66% said no
1.4 Can current participatory mechanisms be improved?	76% said yes	100% said yes	100% said yes
1.5.1 Including other issues with the FMF campaign was justified	78% said no	67% said yes	50% said yes/no
1.5.2 Does the broader community have an impact on issues at institutions of higher learning	92% said yes	83% said yes	83% said yes
2.1 Is free higher education feasible in the near future?	92% said no	100% said yes	83% said yes
3 Should students, SRC and management have more autonomy?	64% said no	67% said no	67% said no

Source: Author 2016

In Table 4.1 there is a convergence of students', SRC and management opinions on the majority of the themes explored. However, what is notable in this study is that, on the issue of the feasibility of free higher education in the near future, there is a marked divergence of student opinion from the opinions of both the SRC members and management/staff members interviewed. A large percentage of the students interviewed were of the opinion that free higher education is not feasible in the near future, which seems to contradict the fervour and urgency with which student protestors are insisting on an immediate state of free education for all.

5.3 Chapter summary

Chapter five presented the analysis and findings of the empirical research conducted at UWC. The findings were presented using the following themes and sub-themes:

Theme 1: UWC participatory mechanisms

Sub-theme 1.1 Are current participatory mechanisms at UWC adequate?

Sub-theme 1.2 Were all formal participatory mechanisms exhausted before embarking on protest action?

Sub-theme 1.3 The reasons for peaceful protests becoming violent

Sub-theme 1.4 Can current participatory mechanisms at UWC be improved?

Sub-theme 1.5 The collaborative/collective nature of protest action by including other issues such as in-outsourcing of staff and the impact of the community on institutions of higher learning

Theme 2: The future of free higher education

Sub-theme 2.1 The feasibility of free higher education

Sub-theme 2.2 The best way forward on the issue of free higher education

Theme 3: The autonomy of HEIs

In aggregation, as is depicted in Figure 4.1, there were a greater number of themes or areas of convergence among students, SRC, and management, than divergences. The issue: 'Including other issues with the FMF movement was justified' was the one area or theme where there was a divergence of opinion between students and both the SRC and management, with a greater divergence between students and SRC members and a smaller divergence between students and management on this issue. Secondly, there was great divergence in student opinions on the issue of 'Is free higher education feasible in the near future?', with the majority of student respondents answering "no" to the question of feasibility and the majority of SRC and management respondents answering "yes" to the question feasibility of free higher education. As stated previously, the nature of this study was explorative, seeking a better understanding of participatory mechanisms at institutions of higher learning in general, with the phenomenon known as protest being a mechanism to

participate in policy formulation, implementation and transformation at UWC. The study had the specific intention of giving impetus to further study at the same institution or a comparative study between institutions of higher learning. The following chapter will present some conclusions derived from the study, as well as present some recommendations on the way forward for future study.

CHAPTER SIX

CONCLUSIONS/FINDINGS AND RECOMMENDATIONS

6.1 Introduction

The study was given impetus by the main research question, why do South African citizens choose not to participate in formal public policy participatory mechanisms, but elect to participate in protest action or informal mechanisms to participate in public policy formulation and transformation, with specific reference to university protests? With regards to university student protests, the following specific research objectives were set:

1) To determine which participarory mechanisms are currently available to students to participate in public policy making, particularly at universities. In this regard, the researcher looked at the UK, Netherlands and Kenyan universities before narrowing the focus to university governance structures in South Africa, and found that governance structures do exist in the university focused on in the case study and similarities do exist among universities in the UK, Netherlands, Kenya and South Africa.

2) To determine whether protesters in South Africa, and university students in particular, exhaust all legitimate means to influence/participate in public policy before embarking on protest action. The data both primary and secondary suggest that students generally are impatient and do not necessarily exhaust legitimate means to influence/participate in public policy before embarking on protest action, notwithstanding that some issues such as free higher education has been on the discussion table since 1994.

3) To determine what legislative framework currently exist which regulate protest action in South Africa, and student protests in particular. The secondary and primary data suggest that student protests on and off campus, are regulated by the same acts and regulations which regulate general community protests which often complicates dealing with on campus protests often leading to the need to impose interdicts on students which further criminalises student protests.

4) To determine whether a theoretical and conceptual framework exists in South Africa to guide our understanding of protests and participation. The secondary data suggests that some

academic research has been done in South Africa to better understand protests and participation in general, with some theoretical and conceptual framework underpinning student protests and participation specifically. The primary data does suggest a more mass approach to student participation in university governance, with student representative democray employed with regard to specific student issues and not as a general student participatory mechanism.

5) To give impetus to further investigation into the phenomenon known as protests. Both primary and secondary data suggest that given the global trend in protests resulting in both negative and positive outcomes, further research is needed to better understand protest action with the view to better harness this phenomena both generally and at universities specifically which is generally the institution where the young adults are prepared to face society and contribute meaningfully. Below is an exposition which discusses the primary research findings in more detail.

6.1 CONCLUSIONS/FINDINGS

Based on the aggregation of opinions of students (interviewed), SRC members (October 2015 – September 2016 interviewed) and management (interviewed) at UWC, the following conclusions can be drawn:

1) Current formal participatory mechanisms at UWC are adequate.
2) Current formal participatory mechanisms at UWC had not been exhausted before protest action (violent or non-violent) had been initiated.
3) Current participatory mechanisms can be improved.
4) Within UWC governance structures, the students, SRC members and management should not have more autonomy.
5) There was some divergence of opinion among students, SRC members and management on the question of whether other issues such as worker issues, e.g. in-/outsourcing, should be combined with student issues (consequently gaining broader participation in

protest action). A large proportion of student respondents were of the opinion that it was not justified.

6) There was substantial convergence of opinions among respondents that the broader community does have an impact on issues at institutions of higher learning. How issues had been dealt with in South Africa's political history was the frame within which issues are presently dealt with and how students, in particular, are socialised.

7) Unexpectedly, there was great divergence in respondent's opinions between students, on one hand, and SRC members and management on the other, on the issue 'Is free higher education feasible in the near future?' Student respondents were of the opinion that free higher education is not feasible in the near future, while both SRC members and management respondents were of the opinion that free higher education is feasible in the near future. This result perhaps lends credence to the claim by a number of universities in South Africa which have been involved in the ongoing student protests that it is a relatively small group of students who are disrupting the studies of the large majority of students and university activities. This also seems to validate the survey carried out at Wits, where the results saw the majority of students wishing to return to normal university activities.

8) Generally, there was a political party element and political party ideology influencing student, SRC, management relations within UWC. However, what is not certain is the extent of the impact of party political ideology on the 'normal' functioning of student–management relations and participatory mechanisms, with the result that, for example at UWC, the FMF campaign was operating outside formal student–management participatory structures.

6.2 Recommendations

Based on the results of the study conducted at UWC, and more broadly the search by other institutions of higher learning for further participatory mechanisms, the following recommendations for improved student–management relations and participatory mechanisms are made:

1) There should be broader consultation between students and management not only in times of crisis, but on a more regular basis. In the normal course of events, student–management interaction, perhaps on a semesterly basis, could include student assemblies, student parliaments, mass meetings, and regular student surveys. Examples are the student e-mail surveys which were carried out at Wits University, and the student mass meeting intended for 17 October 2016 at UWC. These student assemblies and student opinion surveys should run parallel and in conjunction with the SRC functions. The SRC can then take up specific student issues with university management and together priorities for the university can be set.

2) SRC members must have a longer term in office – three to five years – with additional mentoring provided by neutral persons, particularly for incoming or new SRC members. Mentors should be familiar with the functioning and role of the SRC, student–management dynamics, and available participatory mechanisms.

3) The representivity of SRC members on Council and Senate should be revised, with an option of giving the SRC greater representation at these levels in terms of votes. SRC members should remain more active throughout their tenure, making their presence known among students, which could perhaps be achieved through a longer term in office.

4) Students should, on an on-going basis, be educated about the role and functions of the SRC, Council and Senate through formal and informal means, such as an introductory module or short course on student, SRC and management interaction, roles and expectations on these various levels. This training could be offered in the week of orientation to the university, in conjunction with regular information sessions throughout the year, using the IKAMVA platforms and other electronic mediums available.

5) An attempt should be made to gain a deeper understanding, through a longitudinal or comparative study, of the role that party political ideology plays in the effective use of participatory mechanisms at university level, and an evaluative study to evaluate the extent of the role student fees play in the successful completion of studies at institutions of higher learning.

6) If there is an assumption that party politics does play a role in the governance of universities, a multi-party proportional representative SRC should be considered, rather

than the first-past-the-post system, to prevent any one in the SRC who is politically affiliated to dominate student–university management relations.

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ANNEXURE"A"

Survey Questionnaire #feesmustfall campaign

Structured interview questions to Students, SRC and University Management on #feesmustfall campaign University Western Cape

In your opinion are the current participatory mechanisms for students, SRC, and university management adequate?

- Yes
- No

Please motivate your response:

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2) In your opinion were the protests justified because all formal participatory mechanisms had been exhausted?

- Yes
- No

Please provide reasons for your response:

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3) In your opinion was the student fees the only grievance that the students had or were there possibly other grievances?

- Yes
- No

Please provide reasons for your response:

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4) In your opinion, including the issue of in-outsourcing of staff with the fees must fall campaign was justified?

- Yes
- No

Please motivate your response:

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5) In your opinion, including other grievances with the fees must fall campaign made negotiations on the fees must fall campaign more complicated?

- Yes
- No

Please motivate your response:

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6) In your opinion can current participatory mechanisms be improved?

- Yes
- No

Please give reasons for your response:

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6(a) If you have answered yes to the previous question, which aspect of the current participatory mechanism would you change?

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7) In your opinion, do you think that free education in institutions of higher learning is possible in the near future?

- Yes
- No

Please give reasons for your response:

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8) In your opinion, what would be the best way forward on the issue of free education?

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9) In your opinion, should students, SRC's and university management have greater autonomy and input in the administration and financing, including the financing of students at institutions of higher learning?

- Yes
- No

Please motivate your response:

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9(a) If your response to the previous question was yes, to what extent should students, SRC's and university management have autonomy and input into the administration, financing including the financing of students at institutions of higher learning?

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10) What, in your opinion are the key reasons for peaceful protests becoming violent?

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11) In your opinion, does the broader community have any impact on issues at institutions of higher learning in general and for example, issues such as the fees must fall campaign?

- Yes
- No

Please give reasons for your response:

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Any additional comments not discussed in any of the aforementioned questions:

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